

City Council Work Session

Tuesday, August 27, 2013

6:00 p.m.

Council Chambers – Rouss City Hall

AGENDA

1.0 Call to Order

2.0 Public Comments: (Each person will be allowed 3 minutes to address Council with a maximum of 10 minutes allowed for everyone)

3.0 Items for Discussion:

3.1 R-2013-41 & O-2013-27: Approval of Series 2013 General Obligation Public Improvement Bonds – Mary Blowe, Finance Director (pages 3-19)

3.2 R-2013-42: Resolution – Approval of Consolidated Annual Performance and Evaluation Report – Tyler Schenk, Grants Coordinator & Project Specialist (pages 20-41)

3.3 CU-13-422: Conditional Use Permit – Request of Daniel T. Knight, Jr. for a conditional use permit for motor vehicle painting, upholstery, and body and fender work at 427 North Cameron Street (*Map Number 173-01-K-1*) zoned Commercial Industrial (CM-1) District – Tim Youmans, Planning Director (pages 42-46)

3.4 Presentation and Discussion: Jubal Square Development Proposal Fiscal Analysis - O-2013-25 (RZ-13-196) – Stu Patz, S. Patz & Associates, Inc. and William Park, Bluestone Land, L.L.C.

3.5 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. – Aaron Grisdale, Director of Zoning & Inspections (pages 47-89)

3.6 R-2013-43: Resolution – Request for submission of application for the SAFER Grant – Allen Baldwin, Fire & Rescue Chief (pages 90-92)

3.8 CU-13-361: Conditional Use Permit – Request of Shenandoah Mobile, LLC for a conditional use permit to construct a telecommunications tower at 2633 Papermill Road (*Map Number 291-01-7*) zoned Commercial Industrial (CM-1) District. – Tim Youmans, Planning Director (pages 93-99)

3.9 O-2013-28: AN ORDINANCE TO AMEND AND RE-ENACT ARTICLES 1, 8, 9, 10, AND 13 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO RESTAURANTS AND ENTERTAINMENT ESTABLISHMENTS. TA-13-146 – Aaron Grisdale, Director of Zoning & Inspections (pages 100-109)

3.10 O-2013-29: AN ORDINANCE TO REZONE APPROXIMATELY 41.5 ACRES OF LAND CONTAINING APPROXIMATELY 86 PARCELS, EITHER IN FULL OR IN PART, TO BE INCLUDED IN THE CORRIDOR ENHANCEMENT (CE) DISTRICT; SUBJECT PARCELS ARE ADJACENT TO, OR WITHIN 400 FEET OF, THE BERRYVILLE AVENUE RIGHT-OF-WAY RZ-13-380 (*Establishes a Corridor Enhancement District along Berryville Avenue*) – Tim Youmans, Planning Director (pages 110-117)

3.11 O-2013-30: AN ORDINANCE TO REZONE 1.295 ACRES OF LAND AT 1720 VALLEY AVENUE (*Map Number 231-04-K-8A*) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO B-2 DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) AND CE DISTRICT OVERLAY. RZ-13-292 (*Redevelopment plan for the former Coca-Cola plant*) – Tim Youmans, Planning Director (pages 118-128)

3.12 O-2013-14: AN ORDINANCE TO AMEND AND REENACT ARTICLES 18, 21, AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIGNS, VIOLATION AND PENALTY, FEES, AND CORRIDOR ENHANCEMENT TA-13-138 (*Revision to temporary sign provisions and permit requirements*) - Aaron Grisdale, Director of Zoning & Inspections (pages 129-147)

3.13 O-2013-31: Creation of an Environmental Sustainability Taskforce– Doug Hewett, Assistant City Manager (pages 148-161)

4.0 Liaison Reports

5.0 Adjourn

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 various departmental initials and dates.

Initiating Department Director's Signature: [Signature] Date: 8/20/13

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: 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

B-2013-42

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: August 27, 2013 CUT OFF DATE: __

RESOLUTION X ORDINANCE PUBLIC HEARING X

ITEM TITLE: Approval of Consolidated Annual Performance and Evaluation Report (CAPER)

STAFF RECOMMENDATION: Approval for submission to HUD

PUBLIC NOTICE AND HEARING: Authorize advertisement of CAPER for purposes of receiving public comment and hold public hearing September 10th, 2013.

ADVISORY BOARD RECOMMENDATION: The City's Community Development Committee and Northern Shenandoah Valley Regional Commission's Housing & Community Services Policy Board have discussed and recommend the attached proposal

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.

DEPARTMENT	INITIALS FOR APPROVAL	INITIALS FOR DISAPPROVAL	DATE
1. Finance	TS		8-14-13
2. Economic Development	JU		8/14/13
3.			
4.			
5. City Attorney			8/22/2013
6. City Manager			8-22-13
7. Clerk of Council			

Initiating Department Director's Signature: [Signature] Date: 8/14/13



APPROVED AS TO FORM:

[Signature] 8/22/2013 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Tyler Schenck, Grants Coordinator and Project Specialist
Date: August 27, 2013
Re: The City of Winchester's Adoption of the Consolidated Annual Performance and Evaluation Report

THE ISSUE: Recipient jurisdictions of Community Development Block Grant, HOME Investment Partnership, Emergency Shelter or Housing for Persons with AIDS/HIV program funding must submit to the US Department of Housing and Urban Development (HUD) a Consolidated Annual Performance and Evaluation Report (CAPER) describing our use of federal funds on an annual basis.

RELATIONSHIP TO STRATEGIC PLAN: Our allocations are used to help create a more livable City for all.

BACKGROUND: The CAPER includes a summary and evaluation of how our Community Development Block Grant and HOME funds were used to carry out the goals and objectives in our Consolidated Plan. The CAPER is submitted to HUD annually for their review.

BUDGET IMPACT: The adoption of the CAPER has no impact on the City's budget.

OPTIONS: Council may approve or disapprove the CAPER

RESOLUTION

WHEREAS, agencies that receive U.S. Department of Housing and Urban Development (HUD) funds must prepare and submit a Consolidated Annual Performance and Evaluation Report (CAPER) every year; and

WHEREAS, the City of Winchester desires to receive HUD funds to develop a viable urban community and to expand economic opportunities; and

WHEREAS, the City of Winchester has developed a Consolidated Annual Performance and Evaluation Report and has satisfactorily followed HUD requirements for the creation of the document.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINCHESTER, AS FOLLOWS:

SECTION 1. The adoption of this Resolution shall serve as provisional approval of the Consolidated Annual Performance Evaluation Report pending final public comment.

SECTION 2. The Mayor, or presiding officer, is hereby authorized to affix his or her signature to this Resolution signifying its adoption by the City Council of the City of Winchester, and the City Clerk, or her duly appointed deputy, is directed to attest thereto.

SECTION 3. The City Manager, or his designee, is directed to submit the Consolidated Annual Performance Evaluation Report to the U.S. Department of Housing and Urban Development.

Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 723-0238
TDD: (540) 722-0782
Website: www.winchesterva.gov

August 14, 2013

SUBJECT

Per the current agreement with the City of Winchester, the Northern Shenandoah Valley Regional Commission is responsible for compiling and submitting performance data related to the use of HOME funds while City staff is responsible for compiling and submitting performance data related to the use of CDBG and any other community development resources made available in the form of the Consolidated Annual Performance and Evaluation Report (CAPER). This year, the CAPER is due to HUD no later than September 28, 2013. Prior to submission to HUD, the CAPER must be made available for public comment during a 15-day public comment period.

FINANCIAL IMPACT & SUMMARY

For program year 2012, \$2,158,474.93 was available for housing and community development activities in the City of Winchester and surrounding Northern Shenandoah Valley Region through regular HOME and CDBG allocations and previous program years. The full amount has been obligated to specific projects, and approximately \$543,648.69 was spent and drawn from HUD representing 24.7% of the total funds available. The remaining \$1,615,126.24 is programmed for use during Program Year 2013.

RECOMMENDATION

It is the recommendation of City staff that Council proceed with Resolution approval and begin public comment period on August 26 through September 9, 2013. This provides ample time for the public to voice their opinion regarding the topic while meeting the 15-day public comment period requirement. Members of the public may also attend the Winchester City Council regular meeting on Tuesday September 10, 2013 at 7:00 PM to give verbal comments to the City Council.



Fifth Program Year CAPER

The CPMP Fifth Consolidated Annual Performance and Evaluation Report includes Narrative Responses to CAPER questions that CDBG, HOME, HOPWA, and ESG grantees must respond to each year in order to be compliant with the Consolidated Planning Regulations. The Executive Summary narratives are optional.

The grantee must submit an updated Financial Summary Report (PR26).

GENERAL

Executive Summary

This module is optional but encouraged. If you choose to complete it, provide a brief overview that includes major initiatives and highlights that were proposed and executed throughout the first year.

Program Year 5 CAPER Executive Summary response:

The Consolidated Annual Performance Evaluation Report (CAPER) includes a summary of all activities undertaken as part of the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Programs in the City of Winchester, Virginia and Northern Shenandoah Valley Region.

Although administered separately, the CDBG and HOME Program accomplishments are incorporated into a single CAPER document and submitted to HUD. CAPERs are required to be submitted to HUD no later than 90 days after the close of the fiscal year, or September 28, 2013 for the 2012 Program Year. This report contains summary information related to the progress in meeting objectives identified in the 2008 Consolidated Plan and 2012 Annual Action Plan for addressing affordable housing and community development needs in the City and surrounding region.

This report, though specific to the accomplishments met through implementation of the CDBG and HOME Programs, also includes summary information on the use and accomplishments of goals achieved through use of other local, state and federal funding, including local community development funding from the City of Winchester, state CDBG funding available through the regular annual allocations, and other federal dollars through recovery related programs including the Homeless Prevention and Rapid Re-housing programs.

\$2,158,474.93 was available for housing and community development activities in the City of Winchester and surrounding Northern Shenandoah Valley Region through regular HOME and CDBG allocations and previous program years in 2012. The full amount has been obligated to specific projects, and approximately \$543,648.69 was spent and drawn from HUD representing 24.7% of the total funds available. The remaining \$1,615,126.24 is programmed for use during Program Year 2013.

The following is a description of the expenditure of funds by program area:

- 18.1% on Homeownership Activities including direct down payment and closing cost assistance and development subsidies for the rehabilitation, development and construction of single family homes available for sale to income eligible homebuyers;
- 53.4 % on Rental Activities including rental rehabilitation, new rental development and rental assistance
- 18.4% on Economic Development/Revitalization Activities in the City of Winchester.
- 10.1% on Administration and Area Agency Support

General Questions

1. Assessment of the one-year goals and objectives:

Jurisdiction

- a. Describe the accomplishments in attaining the goals and objectives for the reporting period.
 - b. Provide a breakdown of the CPD formula grant funds spent on grant activities for each goal and objective.
 - c. If applicable, explain why progress was not made towards meeting the goals and objectives.
2. Describe the manner in which the recipient would change its program as a result of its experiences.
3. Affirmatively Furthering Fair Housing:
 - a. Provide a summary of impediments to fair housing choice.
 - b. Identify actions taken to overcome effects of impediments identified.
4. Describe Other Actions in Strategic Plan or Action Plan taken to address obstacles to meeting underserved needs.
5. Leveraging Resources
 - a. Identify progress in obtaining "other" public and private resources to address needs.
 - b. How Federal resources from HUD leveraged other public and private resources.
 - c. How matching requirements were satisfied.

Program Year 5 CAPER General Questions response:

In general, the NSVRC, as administrator HOME Programs works to clearly articulate expectations for accomplishments and timeliness among subrecipients and sub-grantees. This continues to be an area for improvement each year in working with partner organizations to develop project implementation schedules that are realistic and feasible. We continue to work to develop an annual work program that includes projects that will be completed according to the original timelines proposed.

In the 2012 Program Year, the City of Winchester re-assumed administration of the CDBG program which oversaw the Taylor Hotel Section 108 Loan project.

Below, the following charts and narrative summaries describe goals for active projects in the 2012 Program Year and a status update for each. In most cases, funding provided through the CDBG and HOME Programs described in this CAPER were supplemented with a variety of other funding sources. Current estimates for funds expended in 2012 in the HOME Program along indicate that not only is the match obligation met, but that the HOME Program leveraged an additional \$28 for every \$1 HOME funding invested.

Homeownership Development:

Activity	Goal	\$ Obligated	\$ Source	Units Complete	\$ Expended
Homeownership Development	6	\$ 167,777.00	HOME09, HOME10, HOME11	6	\$ 167,777.00
	4	\$ 160,000.00	HOME11	2	\$ 87,867.80
	5	\$ 125,000.00	HOME11	0	\$ 113,475.20
Downpayment Assistance	4	\$ 55,000.00	HOME12	3	\$ 30,496.00
Totals	19	\$507,777.00		11	\$ 399,616.00

The chart above shows the activities identified for funding that were initiated, underway or completed in 2012. All projects are currently on time and anticipated to complete on schedule. As of June 30, 2013, a total of 11 new

Jurisdiction

homeownership opportunities were created as a result of new construction and or downpayment and closing cost assistance.

It should be noted that the balance of funds from one CHDO for homeownership development, approximately \$72,132.22 were recaptured and reprogrammed for use in Program Year 2013 on another project under "Rental Development." This recapture included a public comment period and substantial amendment to the Program Years 2011 Action Plans completed in spring 2013.

Homeownership development projects include activities undertaken by Habitat for Humanity of Winchester- Frederick County in the City of Winchester and surrounding Frederick County, or People, Inc. in Page County. To date, a total of 9 units have been completed. The remaining 5 units are in various stages of new construction and qualifying eligible first-time homebuyers.

Downpayment Assistance was provided throughout the region through two providers in 2012. Blue Ridge Housing Network (BRHN) continued the homebuyer assistance program to households interested in pre-purchase counseling and downpayment and closing cost assistance. Community Housing Partners (CHP) also provided downpayment assistance last year to households specifically interested in purchasing a home through the Neighborhood Stabilization Program (NSP). In 2009, the NSVRC was awarded \$2.5million to acquire, rehabilitate and sell foreclosed properties in Frederick, Shenandoah and Warren Counties to qualified buyers. CHP is a partner in this program and secured HOME funding to assist HOME eligible buyers. Blue Ridge Housing Network will continue to provide assistance in 2012 to qualified buyers.

Though projects are on schedule, we continue to struggle with our partner agencies in identifying interested and qualified potential homebuyers. Habitat for Humanity and BRHN have begun working with qualified clients to identify properties to assure there is a demand for the units to be sold. In the case of BRHN, there are many homebuyers on the waiting list, but frequently they are unable to secure financing in time to receive the downpayment assistance. Clients applying for first mortgage funding through USDA often do not receive a loan if the program has insufficient funding. Additionally, many of the clients in BRHNs program have tried to purchase foreclosures. Some have not been able to access HOME financial assistance due to the contract term restrictions on timeliness to close and or housing conditions.

Owner Occupied Home Repair:

Activity	Goal	\$ Obligated	\$ Source	Units Complete	\$ Expended
Home Repair Assistance	7	\$ 120,000.00	HOME10, 11	2	\$ 49,595.00
	2	\$ 50,000.00	HOME 12	2	\$ 50,000.00
Totals	9	\$ 170,000.00		4	\$ 99,595.00

HOME funds were allocated to a HOME Repair Program administered at the regional level. Help with Housing is a non-profit organization (certified CHDO) that coordinates home repair assistance to low income homeowners living in Winchester, Clarke, Frederick, Page and Warren. People, Incorporated (also CHDO certified) coordinates home repair assistance to low income homeowners in Shenandoah Counties.

Owner occupied home repair remains a challenge in the Northern Shenandoah Valley. Finding applicable homes that can be completed within the project budget and time is a significant obstacle to program successes. The NSVRC is committed to working with home repair program operators to identify and scope potential units that meet program criteria and can be completed in a timely fashion and on budget.

Rental Housing Rehabilitation and Development:

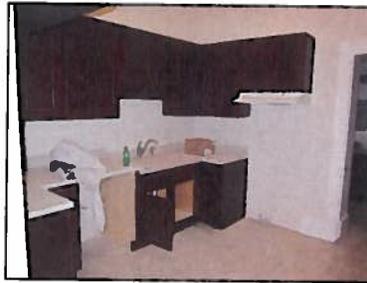
Activity	Goal	\$ Obligated	\$ Source	Units Complete	\$ Expended
Johnson Williams Apartments	40	\$ 213,782.00	HOME11	40	\$ 213,782.00
Toms Brook School	14	\$125,000.000	HOME10	14	\$ 125,000.00

Jurisdiction

Apartments					
Anderson Garden Apartments	11	50,511.30	HOME 12	0	\$ 30,000.00
Alms House	0	\$ 25,000.00 (pre-development loan)	HOME 12	0	\$ 25,000.00
Totals	54	\$ 414,293.30		54	\$ 383,782.00

NSVRC worked on 4 rental housing development projects in Program Year 2012, three in Shenandoah County with People, Inc. and one in Clarke County with Community Housing Partners (CHP).

The Toms Brook School, located in Shenandoah County is a redevelopment project intended to convert a community school into 14 low income apartments. The project was kicked off in May, 2011 with the initiation of the Environmental Review and development of a Management Team. People Inc. Housing Group purchased the property in June of 2011. The project includes utilization of HOME Consortium funding for rehabilitation, as well as CDBG and HOME funding allocated by the State and funding from the Federal Home Loan Bank of Atlanta. Historic Tax Credits have been approved for the project as an additional subsidy. The project was completed in early January 2013 and fully occupied by March of 2013 with 30 residents (see project photos below).



People, Inc. also initiated site work on the Anderson Garden Apartments project in Woodstock, VA (Shenandoah County). When completed in the spring of 2014, the project will provide 11 accessible/energy efficient rental units for seniors. Finally, People, Inc. completed a pre-development loan for architecture and engineering of the Alms House Rehabilitation Project in Mauertown, VA. This project, when complete will create 14-16 affordable rental units. Expected project completion in 2014.

The Johnson Williams Apartments Rehab (rehab photos below) was initiated in June 2012 and included the redevelopment of 40 rental units in Berryville/Clarke County Virginia. The units were rehabbed to be energy efficient and accessible for all residents. Interior and exterior accessibility features were also completed. The project was completed in early September 2012. The units benefit low- and moderate-income elderly and disabled individuals.



Jurisdiction

Tenant Based Rental Assistance (TBRA)

Activity	Goal	\$ Obligated	Source	Units Complete	\$ Expended
Tenant Based Rental Assistance	25	\$ 42,032.00	HOME12	19	\$ 39,475.00
<i>Total</i>	25	\$ 42,032.00		19	\$ 39,475.00

For 2012, HOME funds were allocated to Faithworks Incorporated, a faith-based non-profit, to support a tenant based rental assistance (TBRA) program in the City of Winchester, Frederick, Warren and Shenandoah Counties. The purpose of the program was to provide direct rental assistance to precariously housed, or homeless individuals and families to move into safe, decent and affordable housing. Faithwork's TBRA program provided security deposits and first-months' rent to qualified applicants, and emergency assistance. Faithwork's would qualify applicants based on income and employment verification and conducted housing quality standards (HQS) compliance for units selected. Faithworks will receive an additional HOME allocation for 2013 to continue this program, and a new organization Shenandoah Alliance for Shelter (SAS) will also be providing TBRA to families in Shenandoah and Page Counties.

Financial Assistance to Community Housing Development Organizations and other Critical Community Service Agencies:

No organizations were provided financial assistance in Program Year 2012. NSVRC continues to work with CHDO certified organizations and non-CHDO organizations to build capacity and service delivery for housing programs in the Northern Shenandoah Valley region.

Managing the Process

1. Describe actions taken during the last year to ensure compliance with program and comprehensive planning requirements.

Program Year 5 CAPER Managing the Process response:

The Northern Shenandoah Valley Regional Commission is responsible HOME Program Administration. NSVRC is responsible for assuring the HOME programs maintains compliance with regulations. NSVRC currently has two full time staff members assigned to Community Development Programs. Staff members attend regular trainings provided by HUD or TA Consultants and participate in regular conference calls with other Virginia Grantees. NSVRC staff members work with locally and regionally appointed members of advisory committees to review progress of funded projects and provide policy direction as needed.

The NSVRC also appointed a committee to identify affordable housing and community development needs, known as the regional Housing and Community Services Policy Board (HCSPB). The HCSPB works with NSVRC staff to review regional data related to homelessness, affordable housing and community services to better inform the fund allocation process for the HOME Consortium. Additionally, HCSPB members direct NSVRC staff in pursuing additional resources to address affordable housing and community development priorities in the Region. In Program Year 2012, the HCSPB expanded its membership to include a representative from the local Continuum of Care (CoC), a local real-estate professional and an additional representative from a local Social Services department. The HCSPB continues to play an important role in informing and shaping the HOME program in the Northern Shenandoah Valley.

The Winchester City Council appointed a Community Development Committee (CDC) whose primary purpose is to identify community development needs within the City, make recommendations for allocation of local community development and CDBG funding and to review progress of funded projects. Committee members meet as needed, but typically not more than monthly.

Citizen Participation

1. Provide a summary of citizen comments.

Jurisdiction

2. In addition, the performance report provided to citizens must identify the Federal funds made available for furthering the objectives of the Consolidated Plan. For each formula grant program, the grantee shall identify the total amount of funds available (including estimated program income), the total amount of funds committed during the reporting period, the total amount expended during the reporting period, and the geographic distribution and location of expenditures. Jurisdictions are encouraged to include maps in describing the geographic distribution and location of investment (including areas of minority concentration). The geographic distribution and expenditure requirement may also be satisfied by specifying the census tracts where expenditures were concentrated.

*Please note that Citizen Comments and Responses may be included as additional files within the CPMP Tool.

Program Year 5 CAPER Citizen Participation response:

NSVRC and the City of Winchester hosted a 15 day public comment period for the 2012 CAPER covering both the CDBG and HOME Programs, beginning on August 26, 2013 and ending September 9, 2013. Consistent with the Citizen Participation Plan, a public hearing was also held on September 10, 2013 at a regular meeting of the Winchester City Council. As Grantee and Lead Entity for the CDBG and HOME Program respectively, the Winchester City Council took action that night to adopt the 2012 CAPER as presented. Staff also gave presentations regarding the CAPER and accomplishments in the CDBG and HOME Programs at the following meetings: HCSPB (September 5, 2013), Winchester City Council Work Session (August 27, 2013) and Winchester City Council (September 10, 2013).

Two advertisements were placed in the Winchester Star and Northern Virginia Daily (locally circulated newspapers) regarding the public comment period and hearings. NSVRC also solicited for public comment on HOME accomplishments through the local Continuum of Care list serve and the www.NSVcommunity.org website. NSVRC has also utilized stakeholder networks in other program areas such as transportation and natural resources where there is applicability to housing and community development. The City of Winchester placed an additional advertisement in the Winchester Star with the regular meeting agenda. **AWAITING PUBLIC COMMENT.** Winchester City Council took action to approve the CAPER for submission to HUD on Tuesday September 10, 2012.

NSVRC and the City of Winchester continue to develop better strategies to reach out to the public to solicit meaningful participation in the planning and evaluation process.

Institutional Structure

1. Describe actions taken during the last year to overcome gaps in institutional structures and enhance coordination.

Program Year 5 CAPER Institutional Structure response:

The major focus in 2012 was to continue efforts to strengthen the Continuum of Care (CoC) Planning Process. Members of the CoC and NSVRC staff worked together to more clearly articulate the needs and organization structure of the planning process in the region and to collect and report more meaningful data in the Exhibit 1. The CoC completed a new 10-Year Plan to End Homelessness in partnership with the Virginia Coalition to End Homelessness (VCEH). This document was utilized as part of the 2013-2017 Consolidated Planning Process. The CoC also merged with the Rockingham/Harrisonburg CoC to form a Western Virginia Continuum of Care (VA-513). This merged CoC is focused on better service delivery, planning and collection of data through the Homeless Management Information System (HMIS).

Monitoring

1. Describe how and the frequency with which you monitored your activities.
2. Describe the results of your monitoring including any improvements.
3. Self Evaluation
 - a. Describe the effect programs have in solving neighborhood and community problems.
 - b. Describe progress in meeting priority needs and specific objectives and help make community's vision of the future a reality.
 - c. Describe how you provided decent housing and a suitable living environment and expanded economic opportunity principally for low and moderate-income persons.
 - d. Indicate any activities falling behind schedule.
 - e. Describe how activities and strategies made an impact on identified needs.
 - f. Identify indicators that would best describe the results.
 - g. Identify barriers that had a negative impact on fulfilling the strategies and overall vision.
 - h. Identify whether major goals are on target and discuss reasons for those that are not on target.
 - i. Identify any adjustments or improvements to strategies and activities that might meet your needs more effectively.

Program Year 5 CAPER Monitoring response:

NSVRC performs ongoing monitoring activities for all projects through evaluation of fund disbursement requests for project activities and a requirement for quarterly performance reports from all HOME Subrecipients and CHDOs. Additionally, NSVRC staff members conduct project site field visits as appropriate to document major accomplishments and benchmarks for funded activities. NSVRC also completed a successful HOME programing monitoring visit with HUD staff in July 2012 to evaluate program delivery and management best practices.

NSVRC continues to work with all partners (HOME funded) to evaluate progress in meeting deliverables. Although expenditures are in line with requirements, we will continue to work in 2013 to increase speed of obligating and expending funds to complete projects on time. One of the major challenges partners have is developing the funding strategy to complete an entire project. In years going forward, the HCSPB will become more specific about allocating funds to projects for which other funding is already secured (subsidy layering analysis).

Lead-based Paint

1. Describe actions taken during the last year to evaluate and reduce lead-based paint hazards.

Program Year 5 CAPER Lead-based Paint response:

Lead Based Paint Hazards were elevated to a new level with the adoption of EPA's certification requirements in 2010. The requirements mandate that firms performing renovation, repair and painting projects that disturb lead-based paint in pre-1978 homes, child care facilities and schools be certified by EPA and that they use certified renovators who are trained by EPA-approved training providers to follow lead-safe work practices. NSVRC now implements program policies to assure compliance with these new requirements from a monitoring standpoint.

HOUSING

Housing Needs

*Please also refer to the Housing Needs Table in the Needs.xls workbook.

1. Describe Actions taken during the last year to foster and maintain affordable housing.

Program Year 5 CAPER Housing Needs response:

The HOME program is the first dedicated funding source for the development or preservation of affordable housing available throughout the Northern Shenandoah Valley. Since 2008, the Consortium has been working to identify the best strategies for allocation of the HOME funds to maximize opportunities to promote affordable housing. Participation in the HOME Program has allowed member jurisdictions the opportunity to consider options for affordable housing development on a regional level rather than reacting to local issues. Additionally, the structure in place to manage the HOME Program was particularly instrumental in the speedy development of a partnership to respond to the availability of additional housing resources through the Neighborhood Stabilization and the CoC Competition programs and will continue to do so.

Specific Housing Objectives

1. Evaluate progress in meeting specific objective of providing affordable housing, including the number of extremely low-income, low-income, and moderate-income renter and owner households comparing actual accomplishments with proposed goals during the reporting period.
2. Evaluate progress in providing affordable housing that meets the Section 215 definition of affordable housing for rental and owner households comparing actual accomplishments with proposed goals during the reporting period.
3. Describe efforts to address "worst-case" housing needs and housing needs of persons with disabilities.

Program Year 5 CAPER Specific Housing Objectives response:

2011 was the last year CDBG funds were allocated to support the development or preservation of affordable housing. In all future years, HOME funds are likely the primary resource to continue to address affordable housing needs in the future. The 2008 Consolidated Plan includes a breakdown of allocation of anticipated funds over the 5-year period by major housing category. Of the total funds made available, the Consolidated Plan calls for the following by percentage of total project funding:

	<u>Proposed Allocation by %</u>	<u>To Date Allocation by %</u>
Homebuyer Activities	50%	60%
Homeowner Rehabilitation	30%	20%
Rental Housing Development/ TBRA	20%	20%

The HCSPB uses the above proposed allocations by % to guide applicants annually to develop proposals that direct funds to appropriate HOME project categories. 2009 was the first year funds were requested for a rental development project. 2010 was the first year funds were requested for a homeowner rehabilitation project. 2011 was the first year funds were requested to provide Tenant Based Rental Assistance. Going forward, the Policy Board has directed NSVRC staff to more proactively work with potential applicants that will develop project proposals intended to address housing conditions for owner occupants and the availability of affordable rental housing.

Homeownership continues to be exclusive of low and moderate income residents in the region, but homes are more affordable than during the recent housing bubble in 2005-2006. The housing crisis has led to more affordable homes for moderate and middle income earners. However, the qualification criteria have become more stringent. Area income levels, qualification criteria (cash on hand, credit) and emerging trends about homeownership in general continue to affect the increasing demand for affordable rental opportunities. The NSVRC is currently updating our priorities and goals for the number of units to be developed of affordable housing by tenure and focusing a greater proportion of funds to activities that support rental housing development.

Public Housing Strategy

1. Describe actions taken during the last year to improve public housing and resident initiatives.

Program Year 5 CAPER Public Housing Strategy response:

There is no public housing in the Northern Shenandoah Valley region.

Barriers to Affordable Housing

1. Describe actions taken during the last year to eliminate barriers to affordable housing.

Program Year 5 CAPER Barriers to Affordable Housing response:

NSVRC continues to provide technical assistance as requested to local jurisdictions interested in promoting affordable housing development locally. One of the major populations many jurisdictions have expressed concern for are moderate income residents that cannot access the homeownership market but have few opportunities for appropriately priced rental housing. NSVRC is working with jurisdictions to identify qualified buyers that fit this category and to promote the availability of NSP homes.

NSVRC also pursued grant funding through the National Alliance to End Homelessness (NAEH) in Program Year 2013 to support the development of a regional landlord network to assist low- and moderate-income residents, housing providers and other non-profit organizations in identifying landlords who are willing to work with low- and moderate-income clients in finding affordable rental housing. NSVRC used funds to partner with the Virginia Housing Development Authority (VHDA) in marketing and outreach of VHDA's web-portal Housing Search to have local landlords sign-up to be matched with potential residents. NSVRC partnered with Access Independence, a local disability-advocate organization to utilize its stakeholder network for this projects outreach. NSVRC hopes to continue these efforts in future years.

Finally, NSVRC also continued its bi-annual hosting of Fair Housing Seminars in partnership with the Virginia Fair Housing Office. These seminars, offered bi-annually (November & April), are targeted to local decision makers, housing providers and non-profits to educate these organizations in Fair Housing law and best practices. NSVRC also hosted a housing data and trends workshop (April 2013) in partnership with Housing Virginia, the Virginia Tech Center for Housing Research and VHDA which presented research, facts and figures on housing affordability in Virginia, specifically the Northern Shenandoah Valley and how to use this data in local planning and decision making. NSVRC hopes to continue partner with other organizations to offer affordable housing centered programs and workshops in future years.

HOME/ American Dream Down Payment Initiative (ADDI)

1. Assessment of Relationship of HOME Funds to Goals and Objectives

Jurisdiction

- a. Evaluate progress made toward meeting goals for providing affordable housing using HOME funds, including the number and types of households served.
2. HOME Match Report
 - a. Use HOME Match Report HUD-40107-A to report on match contributions for the period covered by the Consolidated Plan program year.
3. HOME MBE and WBE Report
 - a. Use Part III of HUD Form 40107 to report contracts and subcontracts with Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs).
4. Assessments
 - a. Detail results of on-site inspections of rental housing.
 - b. Describe the HOME jurisdiction's affirmative marketing actions.
 - c. Describe outreach to minority and women owned businesses.

Program Year 5 CAPER HOME/ADDI response:

1. In 2012, \$440,114.00 was available for use throughout the Northern Shenandoah Valley Region for affordable housing projects. Housing Developers and Housing Program Administrators were invited to submit project proposals for consideration. The submitted projects were prioritized by the HCSPB.
2. See Attachment 2: HOME Match Report HUD-40107-A
3. See Attachment 3: MBE and WBE Report HUD-40107
4. During 2012, NSVRC conducted site visits for two projects (People Incorporated's Toms Brook School Apartments and Community Housing Partners Johnson Williams apartments) and two onsite administrative visits (Blue Ridge Housing Network and Help with Housing).

HOMELESS

Homeless Needs

*Please also refer to the Homeless Needs Table in the Needs.xls workbook.

1. Identify actions taken to address needs of homeless persons.
2. Identify actions to help homeless persons make the transition to permanent housing and independent living.
3. Identify new Federal resources obtained from Homeless SuperNOFA.

Program Year 5 CAPER Homeless Needs response:

Jurisdiction

Beginning in 2008, the Northern Shenandoah Valley Continuum of Care (CoC) is coordinated by the NSVRC and the Technical Advisory Network serves as the coordinated body for the region's 10 Year Plan to End Homelessness. The CoC consists of outreach, emergency and transitional shelter, permanent supportive housing, permanent housing and mainstream services available to assist persons who are, or are at risk of becoming homeless. Ongoing funds available in the region for homeless services and programs include Emergency Shelter Grant (provided through Virginia's Department of Housing and Community Development), Supportive Housing Program and Shelter Plus Care, and various other locally allocated funds or other similar programs.

In 2012, the following accomplishments were reported through the CoC:

- Assistance to homeless persons in the form of counseling, referral and financial assistance through the Supportive Housing Program. Funds are administered by Northwestern Community Services.
- Permanent Supportive Housing Rental Assistance provided through the Shelter Plus Care Program. Funds are administered by Northwest Community Services.
- Assistance to at risk and already homeless persons in the form of case management, housing placement and referral, financial assistance and legal assistance through the Homeless Prevention and Rapid Rehousing Program.
- Funding to support ongoing efforts to strengthen the data collection and management through an HMIS through SHP funding. Funds are administered by NSVRC and assisted 7 agencies with subscription, equipment and personnel costs associated with data entry and reporting in HMIS.
- The CoC also merged with the Rockingham/Harrisonburg CoC to form a Western Virginia Continuum of Care. This merged CoC is focused on better service delivery, planning and collection of data through the Homeless Management Information System (HMIS).

Specific Homeless Prevention Elements

1. Identify actions taken to prevent homelessness.

Program Year 5 CAPER Specific Housing Prevention Elements response:

Assistance to at risk and already homeless persons in the form of case management, housing placement and referral, financial assistance and legal assistance through the Homeless Prevention and Rapid Rehousing Program provided by local human service and non-profit organizations. Coordination was provided by the local Continuum of Care.

Emergency Shelter Grants (ESG)

1. Identify actions to address emergency shelter and transitional housing needs of homeless individuals and families (including significant subpopulations such as those living on the streets).
2. Assessment of Relationship of ESG Funds to Goals and Objectives
 - a. Evaluate progress made in using ESG funds to address homeless and homeless prevention needs, goals, and specific objectives established in the Consolidated Plan.
 - b. Detail how ESG projects are related to implementation of comprehensive homeless planning strategy, including the number and types of individuals and persons in households served with ESG funds.
3. Matching Resources
 - a. Provide specific sources and amounts of new funding used to meet match as required by 42 USC 11375(a)(1), including cash resources, grants, and staff salaries, as well as in-kind contributions such as the value of a building or lease, donated materials, or volunteer time.
4. State Method of Distribution

Jurisdiction

- a. States must describe their method of distribution and how it rated and selected its local government agencies and private nonprofit organizations acting as subrecipients.
5. Activity and Beneficiary Data
- a. Completion of attached Emergency Shelter Grant Program Performance Chart or other reports showing ESGP expenditures by type of activity. Also describe any problems in collecting, reporting, and evaluating the reliability of this information.
 - b. Homeless Discharge Coordination
 - i. As part of the government developing and implementing a homeless discharge coordination policy, ESG homeless prevention funds may be used to assist very-low income individuals and families at risk of becoming homeless after being released from publicly funded institutions such as health care facilities, foster care or other youth facilities, or corrections institutions or programs.
 - c. Explain how your government is instituting a homeless discharge coordination policy, and how ESG homeless prevention funds are being used in this effort.

Program Year 5 CAPER ESG response:

NSVRC does not coordinate or administer ESG funding as part of the Consolidated or Annual Action Plan. Assistance to at risk and already homeless persons in the form of case management, housing placement and referral, financial assistance and legal assistance through the Homeless Prevention and Rapid Rehousing Program provided by local human service and non-profit organizations. Coordination was provided by the local Continuum of Care. Accomplishments under this category are reported in the Virginia CAPER.

COMMUNITY DEVELOPMENT

Community Development

*Please also refer to the Community Development Table in the Needs.xls workbook.

1. Assessment of Relationship of CDBG Funds to Goals and Objectives
 - a. Assess use of CDBG funds in relation to the priorities, needs, goals, and specific objectives in the Consolidated Plan, particularly the highest priority activities.
 - b. Evaluate progress made toward meeting goals for providing affordable housing using CDBG funds, including the number and types of households served.
 - c. Indicate the extent to which CDBG funds were used for activities that benefited extremely low-income, low-income, and moderate-income persons.
2. Changes in Program Objectives
 - a. Identify the nature of and the reasons for any changes in program objectives and how the jurisdiction would change its program as a result of its experiences.
3. Assessment of Efforts in Carrying Out Planned Actions
 - a. Indicate how grantee pursued all resources indicated in the Consolidated Plan.
 - b. Indicate how grantee provided certifications of consistency in a fair and impartial manner.

- c. Indicate how grantee did not hinder Consolidated Plan implementation by action or willful inaction.
4. For Funds Not Used for National Objectives
 - a. Indicate how use of CDBG funds did not meet national objectives.
 - b. Indicate how did not comply with overall benefit certification.
5. Anti-displacement and Relocation – for activities that involve acquisition, rehabilitation or demolition of occupied real property
 - a. Describe steps actually taken to minimize the amount of displacement resulting from the CDBG-assisted activities.
 - b. Describe steps taken to identify households, businesses, farms or nonprofit organizations who occupied properties subject to the Uniform Relocation Act or Section 104(d) of the Housing and Community Development Act of 1974, as amended, and whether or not they were displaced, and the nature of their needs and preferences.
 - c. Describe steps taken to ensure the timely issuance of information notices to displaced households, businesses, farms, or nonprofit organizations.
6. Low/Mod Job Activities – for economic development activities undertaken where jobs were made available but not taken by low- or moderate-income persons
 - a. Describe actions taken by grantee and businesses to ensure first consideration was or will be given to low/mod persons.
 - b. List by job title of all the permanent jobs created/retained and those that were made available to low/mod persons.
 - c. If any of jobs claimed as being available to low/mod persons require special skill, work experience, or education, provide a description of steps being taken or that will be taken to provide such skills, experience, or education.
7. Low/Mod Limited Clientele Activities – for activities not falling within one of the categories of presumed limited clientele low and moderate income benefit
 - a. Describe how the nature, location, or other information demonstrates the activities benefit a limited clientele at least 51% of whom are low- and moderate-income.
8. Program income received
 - a. Detail the amount of program income reported that was returned to each individual revolving fund, e.g., housing rehabilitation, economic development, or other type of revolving fund.
 - b. Detail the amount repaid on each float-funded activity.
 - c. Detail all other loan repayments broken down by the categories of housing rehabilitation, economic development, or other.
 - d. Detail the amount of income received from the sale of property by parcel.
9. Prior period adjustments – where reimbursement was made this reporting period for expenditures (made in previous reporting periods) that have been disallowed, provide the following information:
 - a. The activity name and number as shown in IDIS;
 - b. The program year(s) in which the expenditure(s) for the disallowed activity(ies) was reported;
 - c. The amount returned to line-of-credit or program account; and

Jurisdiction

- d. Total amount to be reimbursed and the time period over which the reimbursement is to be made, if the reimbursement is made with multi-year payments.
10. Loans and other receivables
 - a. List the principal balance for each float-funded activity outstanding as of the end of the reporting period and the date(s) by which the funds are expected to be received.
 - b. List the total number of other loans outstanding and the principal balance owed as of the end of the reporting period.
 - c. List separately the total number of outstanding loans that are deferred or forgivable, the principal balance owed as of the end of the reporting period, and the terms of the deferral or forgiveness.
 - d. Detail the total number and amount of loans made with CDBG funds that have gone into default and for which the balance was forgiven or written off during the reporting period.
 - e. Provide a List of the parcels of property owned by the grantee or its subrecipients that have been acquired or improved using CDBG funds and that are available for sale as of the end of the reporting period.
 11. Lump sum agreements
 - a. Provide the name of the financial institution.
 - b. Provide the date the funds were deposited.
 - c. Provide the date the use of funds commenced.
 - d. Provide the percentage of funds disbursed within 180 days of deposit in the institution.
 12. Housing Rehabilitation – for each type of rehabilitation program for which projects/units were reported as completed during the program year
 - a. Identify the type of program and number of projects/units completed for each program.
 - b. Provide the total CDBG funds involved in the program.
 - c. Detail other public and private funds involved in the project.
 13. Neighborhood Revitalization Strategies – for grantees that have HUD-approved neighborhood revitalization strategies
 - a. Describe progress against benchmarks for the program year. For grantees with Federally-designated EZs or ECs that received HUD approval for a neighborhood revitalization strategy, reports that are required as part of the EZ/EC process shall suffice for purposes of reporting progress.

Program Year 5 CAPER Community Development response:

1.
 - a. The use of CDBG funds for the rehabilitation of the Taylor Hotel and establishment of a pocket park coexists with the City's primary objective to establish a suitable living environment. Completion of this project will create a public green space in a low income neighborhood that will increase the overall living environment, hence meeting the City's core CDBG objective.
 - b. Not applicable
 - c. The CDBG Target Area has been the locally designated area where the majority of CDBG funded site specific projects will occur. The Taylor Hotel, which is located in the CDBG Target Area, will host a public pocket park that will be available for all community residents, especially those in surrounding neighborhoods that have been classified as low-income. Also, these funds have assisted in the rehabilitation of a

Jurisdiction

condemned property that posed a potential safety hazard to the many pedestrians traversing the neighborhood.

2.
 - a. The Section 108 Loan received in 2012 is part of the neighborhood based effort to either eliminate slums or reduce blight or take proactive steps to revitalize a neighborhood. The City's prioritization of projects for CDBG funding displays recognition that there are limited resources available to create the most significant impact possible in a neighborhood. City leaders hope that, in the future, projects funded with CDBG will have a rippling effect on the overall quality of the neighborhoods where projects occur.
3.
 - a. The City's use of general funds and a Section 108 Loan for the public green space and the rehabilitation of the Taylor Hotel maximize our available resources. By using this approach and promoting continued public investment, the City intends to initiate further blight abatement by vested parties in a CDBG Target Area.
 - b. The Winchester Community Development Committee reviews and makes recommendations to the City Council regarding any requests for CDBG funding. The committee members review all proposals and consider their consistency with the City's objectives identified in the Consolidated Plan and the local priorities for the program year. The City Council reviews all recommendations for potential projects to be funded with CDBG before project approval.
 - c. The City did not hinder Consolidated Plan implementation due to the fact that the creation of a public park and rehabilitation of large dilapidated property align with the City's stated Consolidated Plan objective of strengthening communities through the removal of blighted properties.
4.
 - a. Not applicable
 - b. Not applicable
5.
 - a. The property was unoccupied prior to its acquisition and had no displacement impact on community residents.
 - b. Not applicable
 - c. Not applicable
6.
 - a. Not applicable
 - b. Not applicable
 - c. Not applicable
7.
 - a. Not applicable
8.
 - a. Not applicable
 - b. Not applicable
 - c. Not applicable
 - d. Not applicable
9.
 - a. Not applicable
 - b. Not applicable
 - c. Not applicable
 - d. Not applicable
10.
 - a. Not applicable
 - b. Not applicable
 - c. Not applicable

Jurisdiction

- d. Not applicable
- e. Not applicable

11.

- a. Not applicable
- b. Not applicable
- c. Not applicable
- d. Not applicable

12.

- a. Not applicable
- b. Not applicable
- c. Not applicable

13.

- a. Not applicable

Antipoverty Strategy

1. Describe actions taken during the last year to reduce the number of persons living below the poverty level.

Program Year 5 CAPER Antipoverty Strategy response:

Neither the City, nor the HOME Consortium took specific action in 2012 to reduce the number of persons living below the poverty level. However, each of the Departments of Social Services in the region continued to operate numerous mainstream programs intended to assist families living on the margin:

- TANF
- Medicaid
- Food Stamps
- Housing Choice Voucher Program
- VIEW
- General Relief
-

Non-homeless Special Needs

*Please also refer to the Non-homeless Special Needs Table in the Needs.xls workbook.

1. Identify actions taken to address special needs of persons that are not homeless but require supportive housing, (including persons with HIV/AIDS and their families).

Program Year 5 CAPER Non-homeless Special Needs response:

In 2012, the NSVRC continued working to develop an assessment of non-homeless special needs at the regional level through coordination with the local Continuum of Care. This also included the development of the 2013-2017 Consolidated Plan with specific actions to address those persons and families living in poverty.

Specific HOPWA Objectives

*Please also refer to the HOPWA Table in the Needs.xls workbook.

1. Overall Assessment of Relationship of HOPWA Funds to Goals and Objectives
Grantees should demonstrate through the CAPER and related IDIS reports the

progress they are making at accomplishing identified goals and objectives with HOPWA funding. Grantees should demonstrate:

- a. That progress is being made toward meeting the HOPWA goal for providing affordable housing using HOPWA funds and other resources for persons with HIV/AIDS and their families through a comprehensive community plan;
 - b. That community-wide HIV/AIDS housing strategies are meeting HUD's national goal of increasing the availability of decent, safe, and affordable housing for low-income persons living with HIV/AIDS;
 - c. That community partnerships between State and local governments and community-based non-profits are creating models and innovative strategies to serve the housing and related supportive service needs of persons living with HIV/AIDS and their families;
 - d. That through community-wide strategies Federal, State, local, and other resources are matched with HOPWA funding to create comprehensive housing strategies;
 - e. That community strategies produce and support actual units of housing for persons living with HIV/AIDS; and finally,
 - f. That community strategies identify and supply related supportive services in conjunction with housing to ensure the needs of persons living with HIV/AIDS and their families are met.
2. This should be accomplished by providing an executive summary (1-5 pages) that includes:
- a. Grantee Narrative
 - i. Grantee and Community Overview
 - (1) A brief description of your organization, the area of service, the name of each project sponsor and a broad overview of the range/type of housing activities and related services
 - (2) How grant management oversight of project sponsor activities is conducted and how project sponsors are selected
 - (3) A description of the local jurisdiction, its need, and the estimated number of persons living with HIV/AIDS
 - (4) A brief description of the planning and public consultations involved in the use of HOPWA funds including reference to any appropriate planning document or advisory body
 - (5) What other resources were used in conjunction with HOPWA funded activities, including cash resources and in-kind contributions, such as the value of services or materials provided by volunteers or by other individuals or organizations
 - (6) Collaborative efforts with related programs including coordination and planning with clients, advocates, Ryan White CARE Act planning bodies, AIDS Drug Assistance Programs, homeless assistance programs, or other efforts that assist persons living with HIV/AIDS and their families.
 - ii. Project Accomplishment Overview
 - (1) A brief summary of all housing activities broken down by three types: emergency or short-term rent, mortgage or utility payments to prevent homelessness; rental assistance; facility based housing, including development cost, operating cost for those facilities and community residences

Jurisdiction

- (2) The number of units of housing which have been created through acquisition, rehabilitation, or new construction since 1993 with any HOPWA funds
 - (3) A brief description of any unique supportive service or other service delivery models or efforts
 - (4) Any other accomplishments recognized in your community due to the use of HOPWA funds, including any projects in developmental stages that are not operational.
- iii. Barriers or Trends Overview
 - (1) Describe any barriers encountered, actions in response to barriers, and recommendations for program improvement
 - (2) Trends you expect your community to face in meeting the needs of persons with HIV/AIDS, and
 - (3) Any other information you feel may be important as you look at providing services to persons with HIV/AIDS in the next 5-10 years
 - b. Accomplishment Data
 - i. Completion of CAPER Performance Chart 1 of Actual Performance in the provision of housing (Table II-1 to be submitted with CAPER).
 - ii. Completion of CAPER Performance Chart 2 of Comparison to Planned Housing Actions (Table II-2 to be submitted with CAPER).

Program Year 5 CAPER Specific HOPWA Objectives response:

NSVRC does not coordinate or administer HOPWA funding as part of the Consolidated or Annual Action Plan. Accomplishments under this category are reported in the Virginia CAPER.

OTHER NARRATIVE

Include any CAPER information that was not covered by narratives in any other section.

Program Year 5 CAPER Other Narrative response:

Not Applicable.

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 8/27/13 (work session), CUT OFF DATE: 8/21/13
9/10/13 (regular mtg)

RESOLUTION __ ORDINANCE __ PUBLIC HEARING X

ITEM TITLE:

CU-13-422 Request of Daniel T. Knight, Jr. for a conditional use permit for motor vehicle painting, upholstery, and body and fender work at 427 North Cameron Street (Map Number 173-01-K-1) zoned Commercial Industrial (CM-1) 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.

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

Initiating Department Director's Signature: (Planning) [Signature] 8/21/13



APPROVED AS TO FORM: [Signature] 8/21/2013 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Will Moore, Planner
Date: August 21, 2013
Re: **CU-13-422** Request of Daniel T. Knight, Jr. for a conditional use permit for motor vehicle painting, upholstery, and body and fender work at 427 North Cameron Street (Map Number 173-01-K-1) zoned Commercial Industrial (CM-1) District.

THE ISSUE:

The request is to allow for the lower level of the building at the NW corner of N. Cameron and Clark Streets to be converted to auto service use consisting of one or more of the intensive repair operations that require a CUP.

RELATIONSHIP TO STRATEGIC PLAN:

N/A

BACKGROUND:

Staff met with the applicant on a pre-application basis and subsequently received the request to establish the repair and restoration operations. The main issue identified by staff was the storage of vehicles awaiting repair as there is no opportunity for screened storage onsite. The applicant intends a low volume operation and stated no issue with storing all vehicles inside. A condition to that effect was recommended. (See staff report for additional information).

BUDGET IMPACT:

No funding is required.

OPTIONS:

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

RECOMMENDATIONS:

Planning Commission and staff recommend approval with conditions as noted within the staff report.

Council Work Session
August 27, 2012

CU-13-422 Request of Daniel T. Knight, Jr. for a conditional use permit for motor vehicle painting, upholstery, and body and fender work at 427 North Cameron Street (*Map Number 173-01-K-1*) zoned Commercial Industrial (CM-1) District.

REQUEST DESCRIPTION

The request is to allow for the lower level of the building at the NW corner of N. Cameron and Clark Streets to be converted to auto service use consisting of one or more of the intensive repair operations that require a CUP.

AREA DESCRIPTION

The subject property and land directly to the north and east are zoned CM-1. The lower level, subject to this request, was most recently used for a taxi operation. The upper level is currently vacant with a site plan pending for light manufacturing use. Land to the north includes a rescue mission, a vacant commercial property, a non-conforming single family dwelling and a custom countertop business. Land to the east, on the opposite side of North Cameron St, is CSX railroad property. The railroad property is vacant except for the old freight building, used for a model railroad club, which is directly across from the subject property.



Land to the south is a mix of CM-1 and B-1 zoned properties containing commercial uses including offices, a mechanical contractor, storage, and moving businesses. Further to the south are social services offices in the renovated Snapp Foundry building. Land to the west is a mix of HR and HR-1 zoning. The property directly to the west is a warehouse building. Otherwise, uses to the west include a mix of residential types and a church fronting along N. Loudoun St.

STAFF COMMENTS

In his letter dated August 6, 2013, the applicant outlines his desire to use the lower level of the building for auto restoration, including body work, painting, mechanical work, and upholstery. These operations have been identified historically as having greater potential impacts on neighboring properties, particularly with potential for dust, odor, noise and vibration. Additionally, such operations generally involve storage of inoperable vehicles.

The space in the lower level consists of approximately 3300 square feet. A sketch floor plan provided shows approximately 2500sf of shop area, accessed from an existing overhead door facing on N. Cameron St. The remaining 800sf is comprised of a small reception area, also accessed from N. Cameron St, plus an office, bathroom, and storage areas. The lower level is isolated from uses to the west (rear), and somewhat isolated from those to the north and south as well, due to the surrounding topography.

Staff met with the applicant on a pre-application basis and determined that no off-street parking area would be required. While the property includes a small, elevated off-street parking area accessed from the alley (Kern Ln) to the rear, there is no suitable area onsite to store and properly screen inoperable vehicles awaiting repair. As such, any vehicles awaiting service will be required to be housed inside the shop area. The applicant acknowledges in his letter the requirement for the overhead door to remain closed during operations. The applicant outlines his intended hours of operation as M-F, 8am to 5pm. The applicant intends to work by himself at first, but indicates the possibility of adding 1-2 employees in the future.

The applicant will need to work with the Building Official to determine any changes necessary to accommodate the proposed uses in order to obtain a Certificate of Occupancy. Variances were previously obtained in 2008 and remain valid for the building's orientation on the lot (setback and corner side yard).

RECOMMENDATION

For a conditional use permit to be approved, a finding must be made that the proposal as submitted or modified will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood.

At its August 20, 2013 meeting, the Planning Commission forwarded **CU-13-422** to City Council recommending approval because the use, as proposed, should not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood. The recommendation is subject to:

1. All service and repair of motor vehicles subject to this permit shall be within the building, which shall be enclosed on all sides;
2. All inoperable vehicles and any vehicles awaiting repair shall be contained within the shop area. No outside storage shall be permitted; and
3. Hours of operation shall be no earlier than 7am and no later than 7pm, seven days a week.

Aug 6, 2013

Dear Mr. Youmans,

Pursuant to your request, the following is an agenda for services and business activities I intend to pursue at 427 Cameron St N Winchester, Virginia.

- Restoring classic cars for customers, which includes body repair and paint, mechanical overhaul, engine rebuilding as necessary, interior upholstery and custom designed parts.
- Selling restored cars via internet or brought to auctions
- Custom airbrush work on motorcycle parts

My intended business hours are Monday – Friday 8 a.m – 5 p.m. There may be a possibility of adding 1-2 employees at some point in the future once the business has steady workflow and income. The bay door will remain closed so as not to interfere with public viewing.

It is my desire to get this business operational as soon as possible. I appreciate and thank you for your consideration and prompt attention to this matter.

Sincerely,

Danny Knight Jr.

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 8/27/13 (work session), **CUT OFF DATE:** 8/21/13
9/10/13 (regular mtg)

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			<u>8/21/13</u>
2. Emergency Management			<u>8/21/13</u>
3. City Attorney			<u>8/22/2013</u>
4. City Manager			<u>8-22-13</u>
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
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.

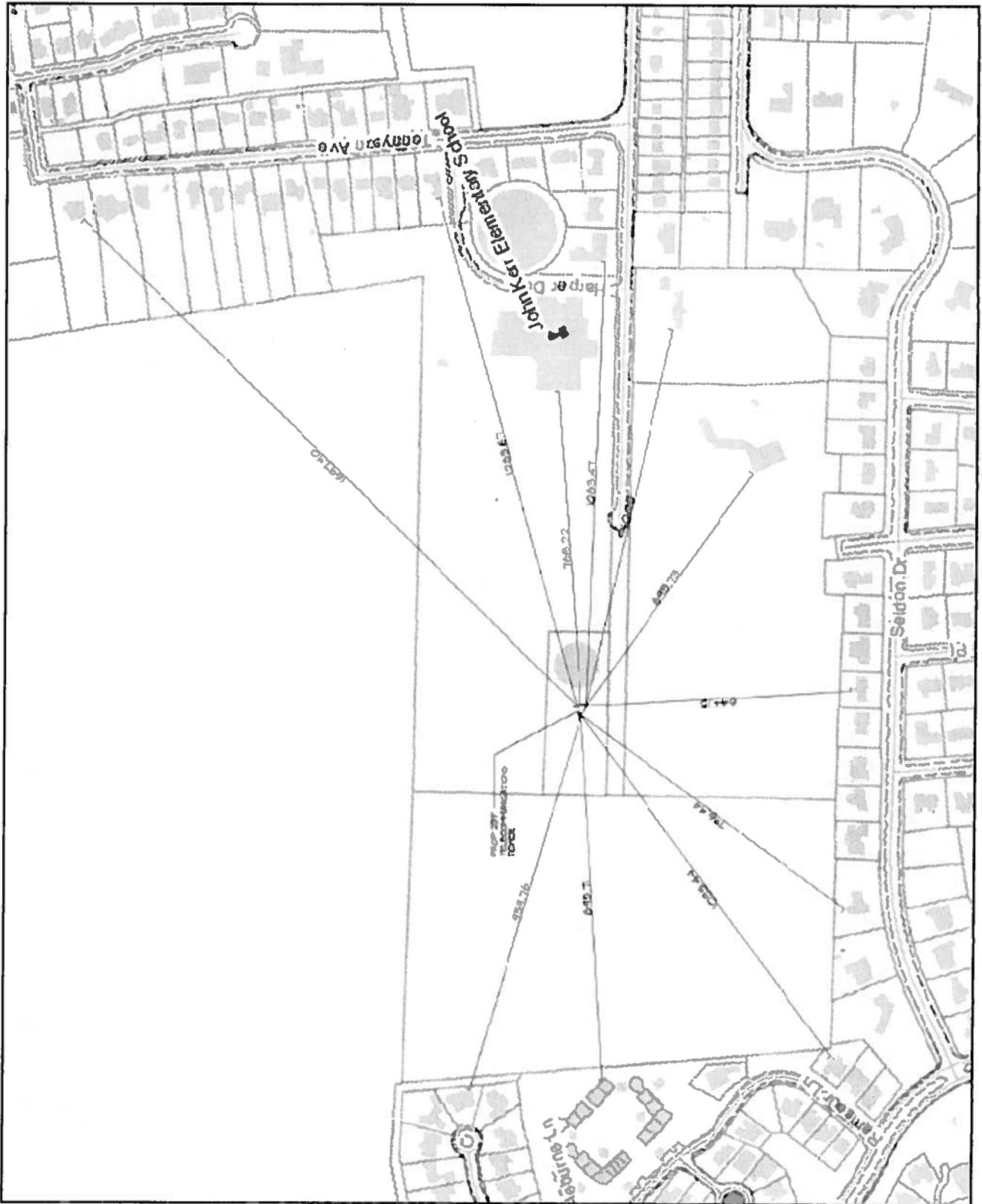
Consideration was given to alternatives other than multiple communications tower sites including but not limited to the utilization of existing communications towers, the utilization of the elevated tank as a supporting structure as well as multiple communications towers at various sites as identified 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.

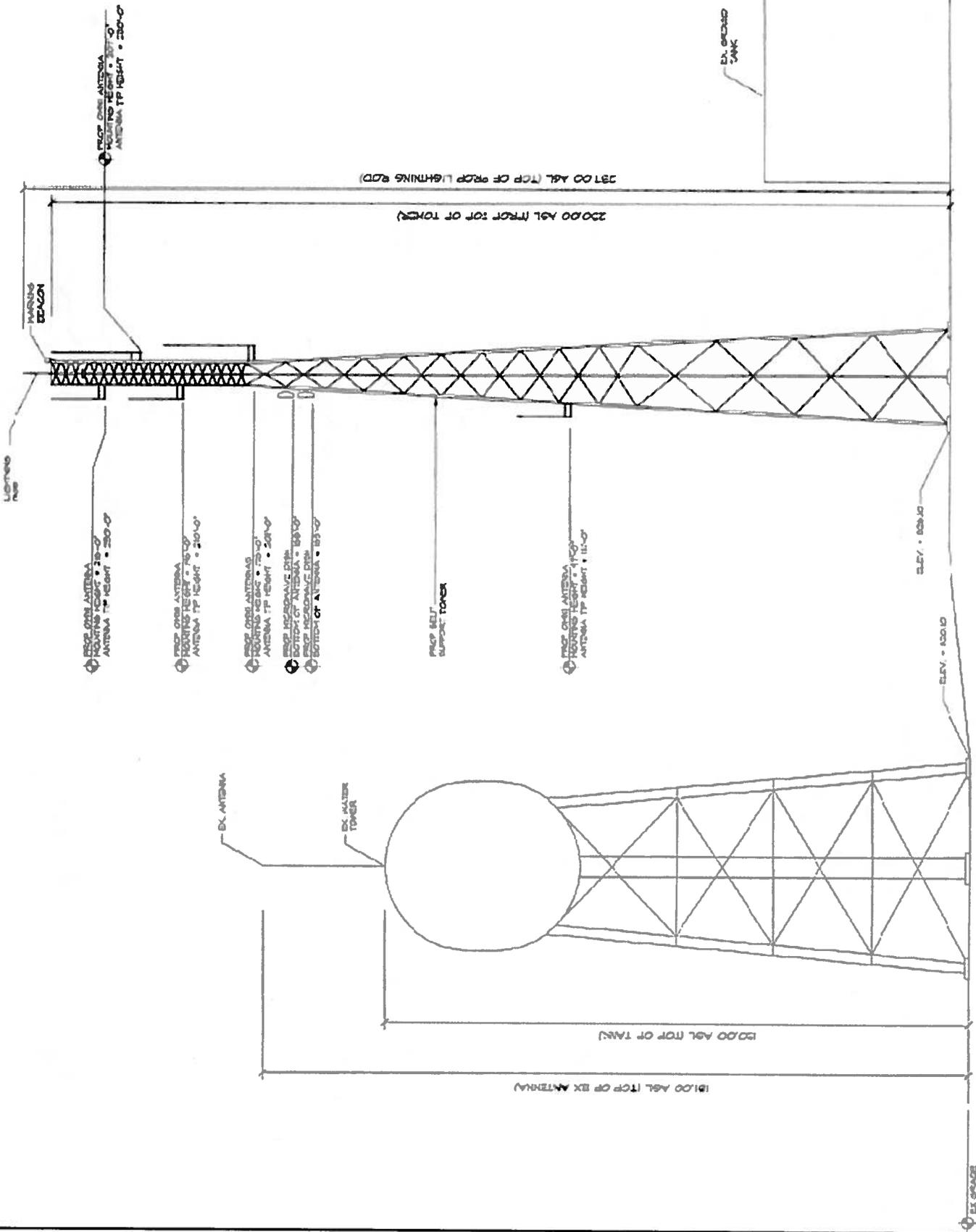
City Council is cognizant of the need to protect resources while providing emergency communications and services to the community in an economically feasible manner. As a result of Council's fundamental values regarding this project they have instructed that the tower have the structural integrity to 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.

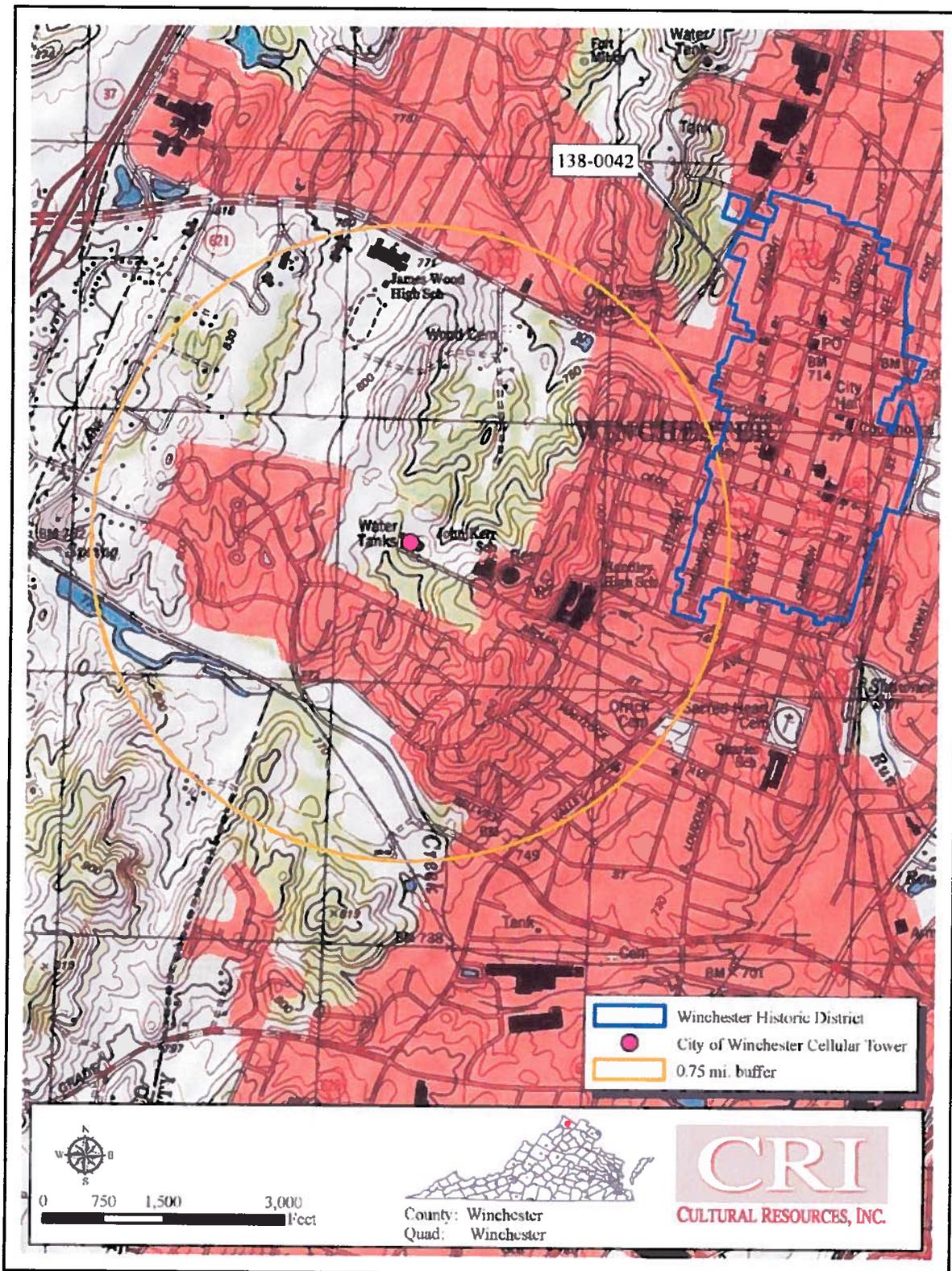


Figure 2. Historic Districts within the APE for Visual Effects.

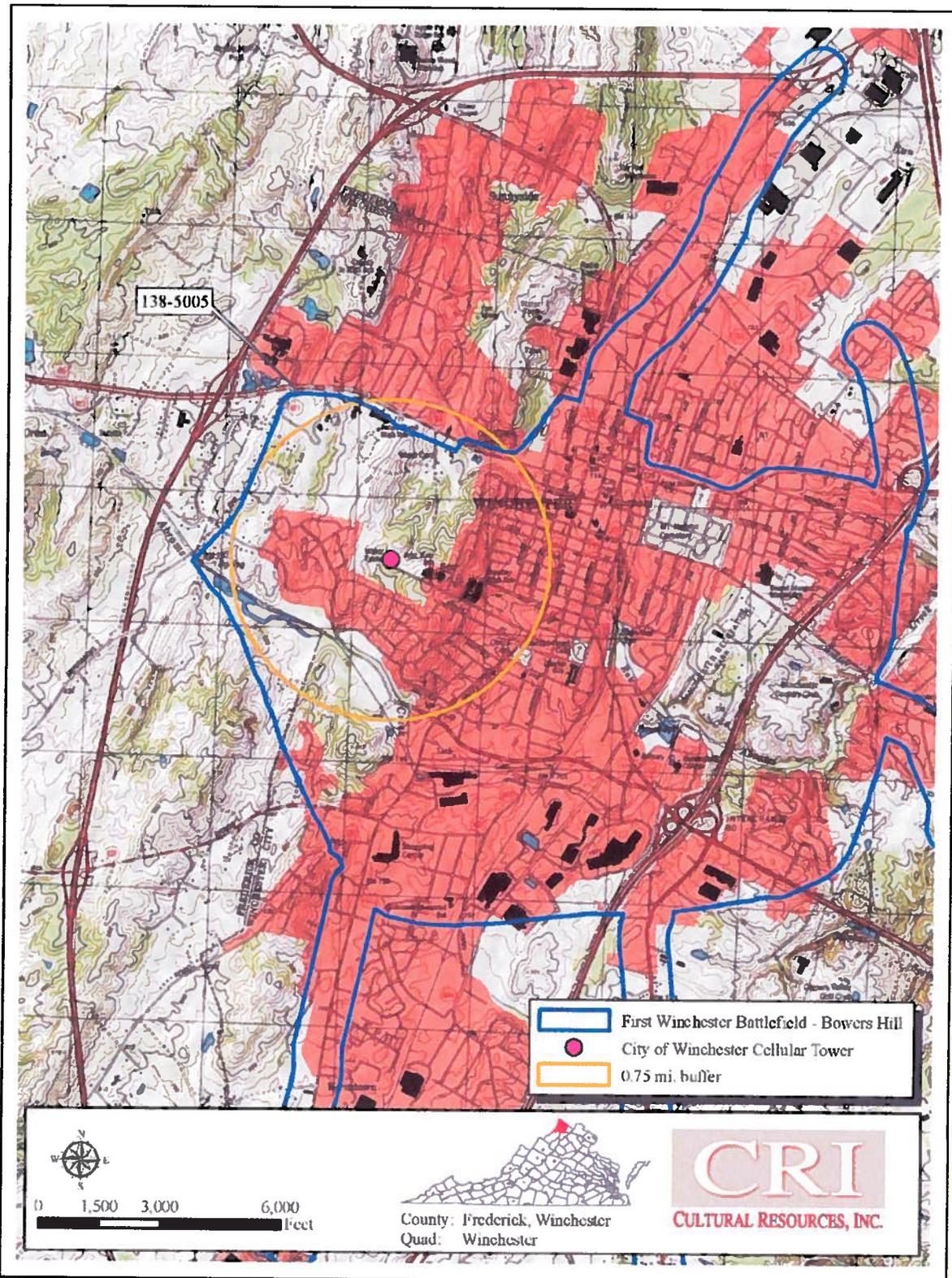


Figure 3. Battlefields (First Winchester Battlefield) within the APE for Visual Effects Historic Districts.

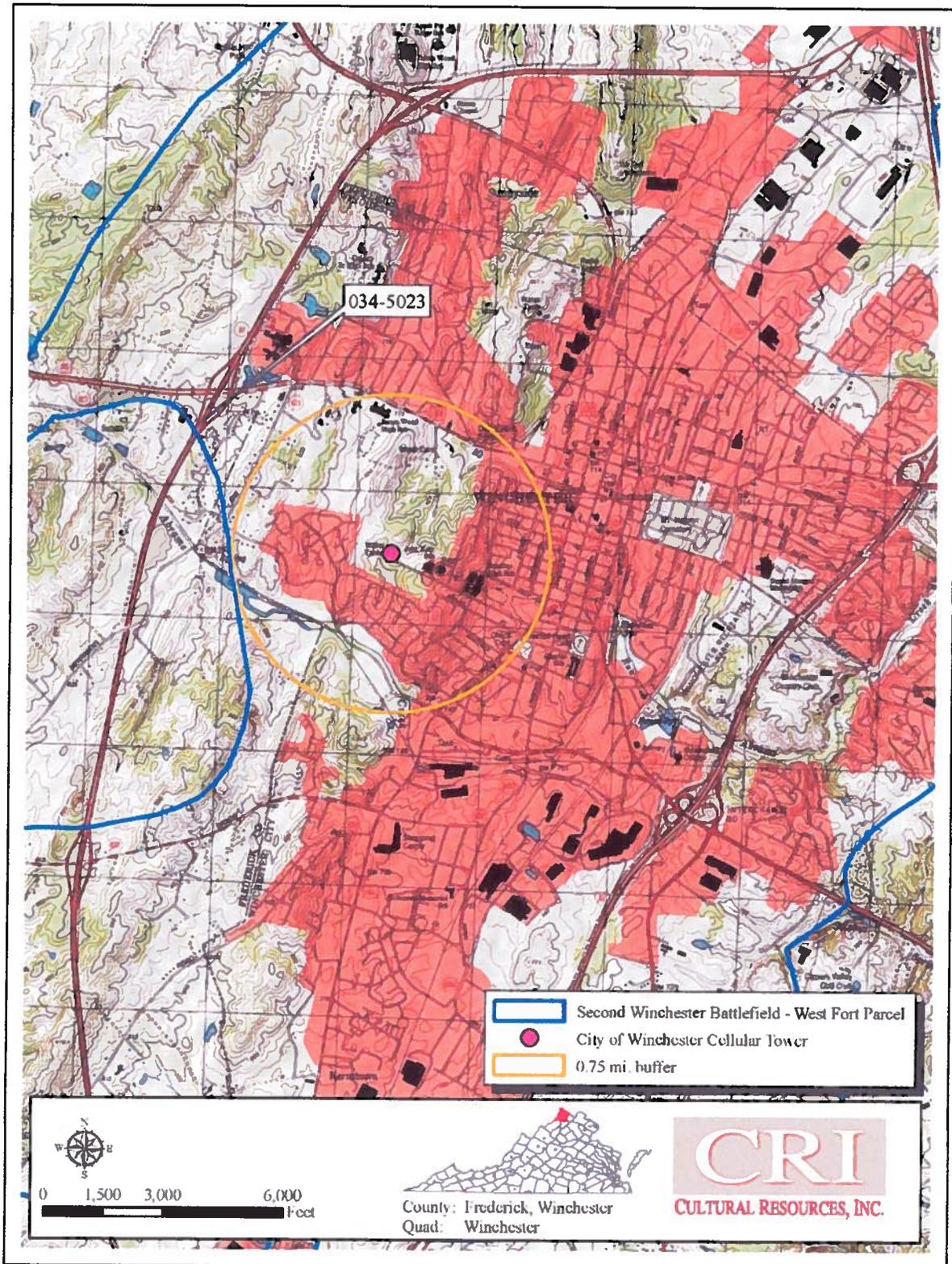


Figure 4. Battlefields (Second Winchester Battlefield) within the APE for Visual Effects Historic Districts.

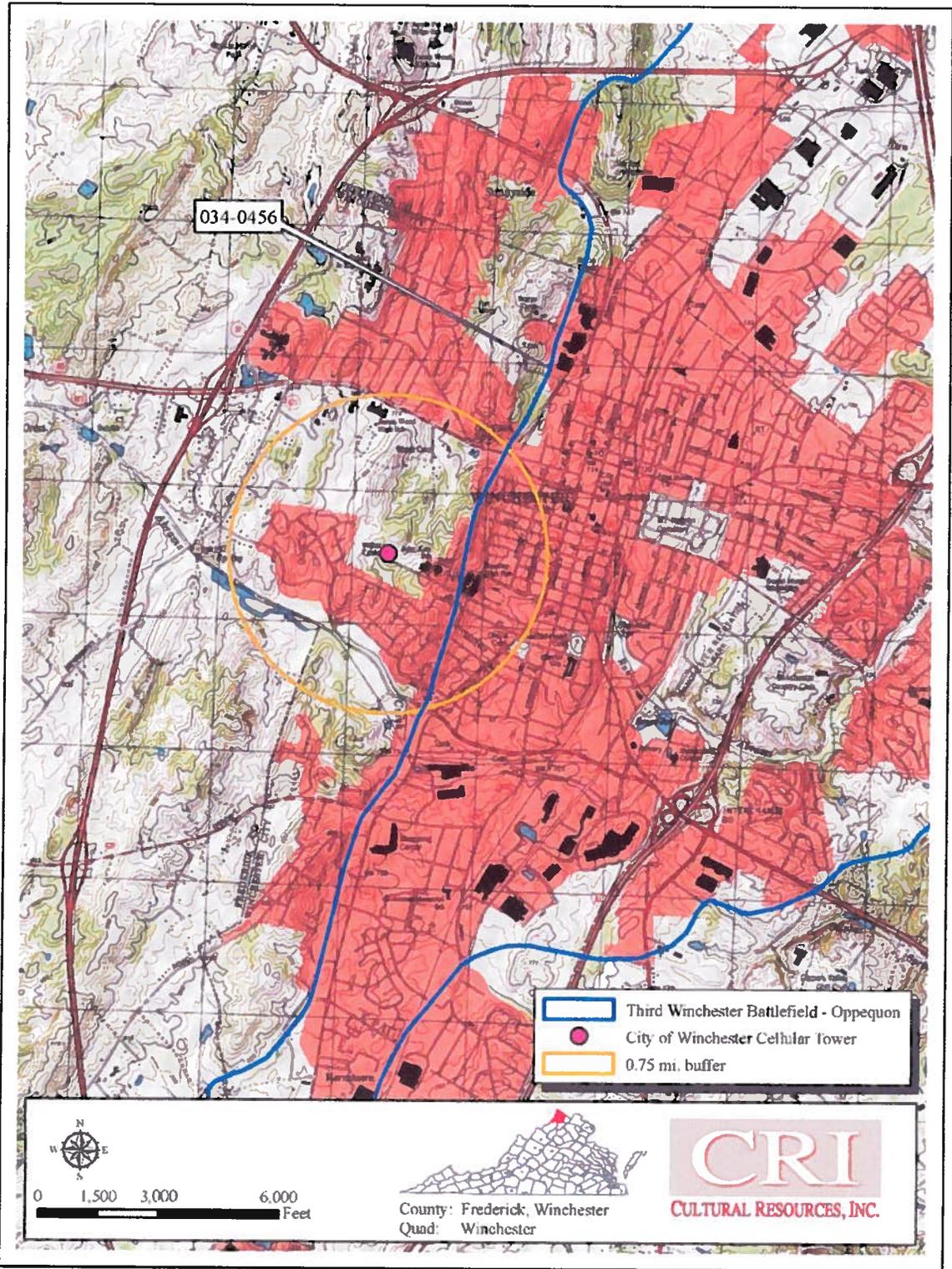


Figure 5. Battlefields (Third Winchester Battlefield) within the APE for Visual Effects Historic Districts.

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 Evalauted	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).

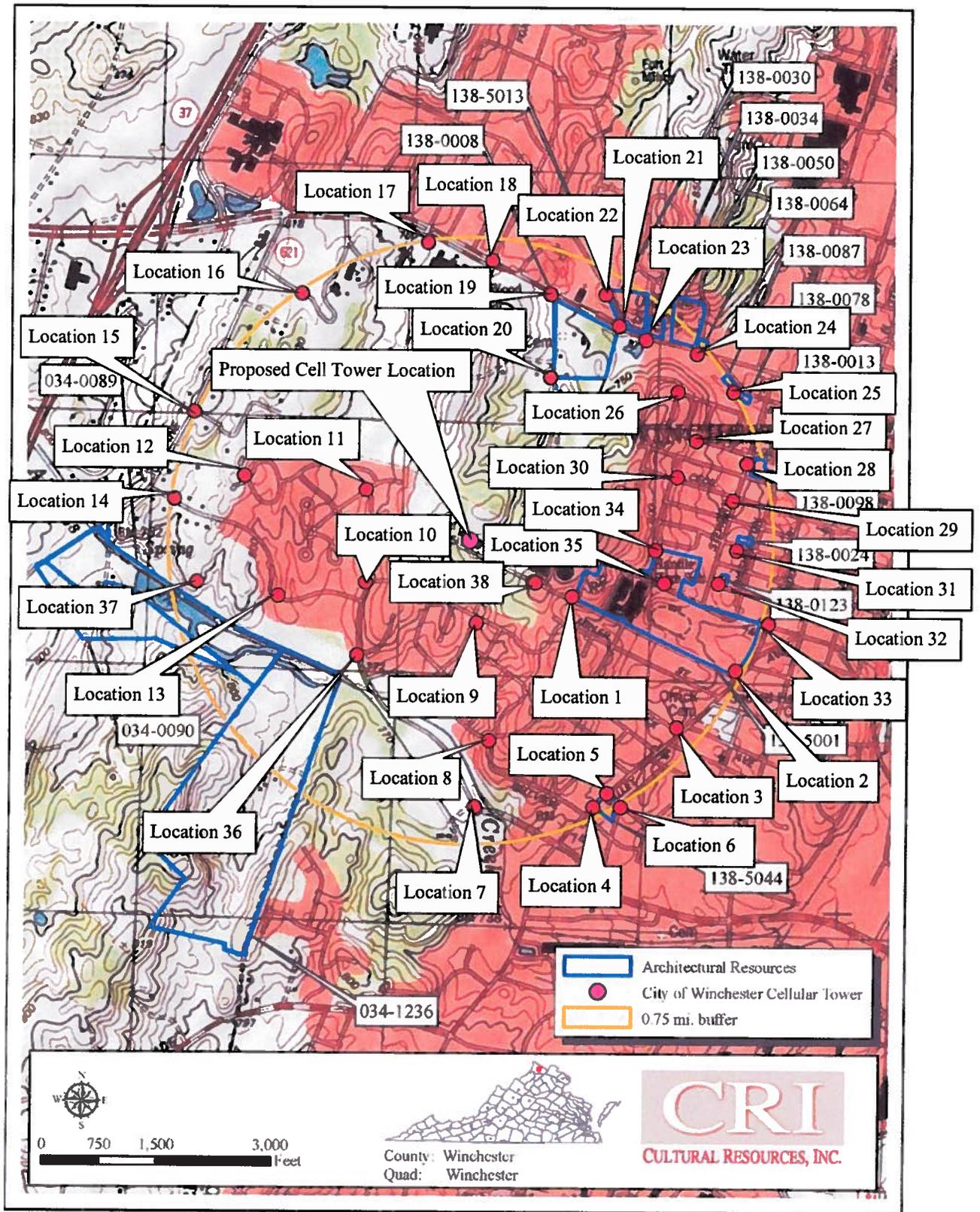


Figure 6. Map Key Showing Location of Photographs.

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 dBS, 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 SINR-335-A3 side mounting kit

Recommend BMK-325-A3 or BMK-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

- SC229-9FXLDFX000K** Collinear omni, 6 dBS, 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 BMK-225-A3 or BMK-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

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Headquarters	1000 10000	1000 10000	1000 10000	1000 10000
Website	www.sinclartech.com	www.sinclartech.com	www.sinclartech.com	www.sinclartech.com

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Headquarters	1000 10000	1000 10000	1000 10000	1000 10000
Website	www.sinclartech.com	www.sinclartech.com	www.sinclartech.com	www.sinclartech.com

Product Specifications



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

CHARACTERISTICS

General Specifications

Antenna Type	VLP - Variable High Performance Low Profile Antenna, single-polarized
Operating Frequency	18.7 GHz - 11.7 GHz
Gain, Typ Band	30.3 dBS
Gain, Min Band	27.4 dBS
Gain, Low Band	30.9 dBS
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 1.1B

Mechanical Specifications

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Product Description	
This 18.7 GHz is a variable band ultra 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	Collinear Omni
Operating Frequency	18.7 GHz
Gain, Typ Band	30.3 dBS
Gain, Min Band	27.4 dBS
Gain, Low Band	30.9 dBS
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 1.1B

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.

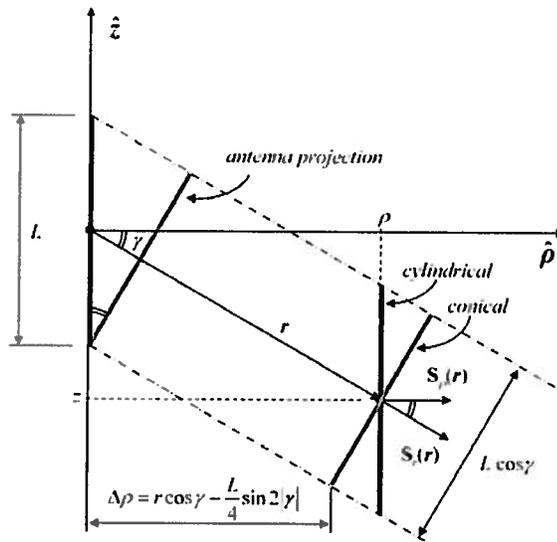


Fig. 1. Reference frame and notations employed to describe the cylindrical model.

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 $|\gamma| \leq 10^\circ$.

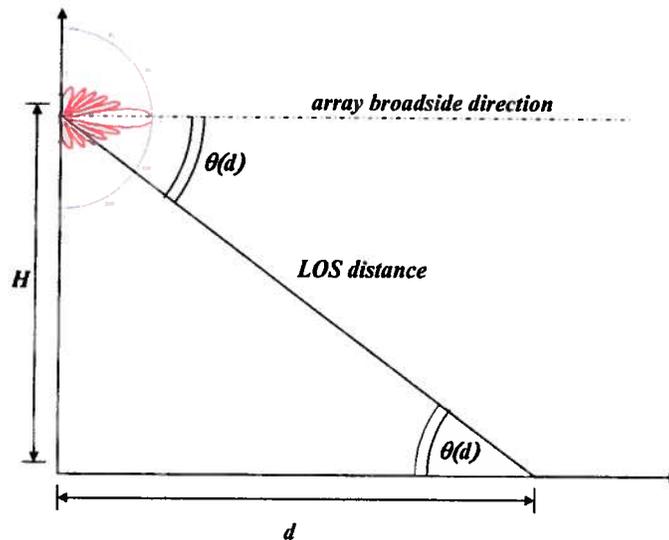


Fig. 2. Schematic of the ground-level exposure model adopted for the assessment.

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

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

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

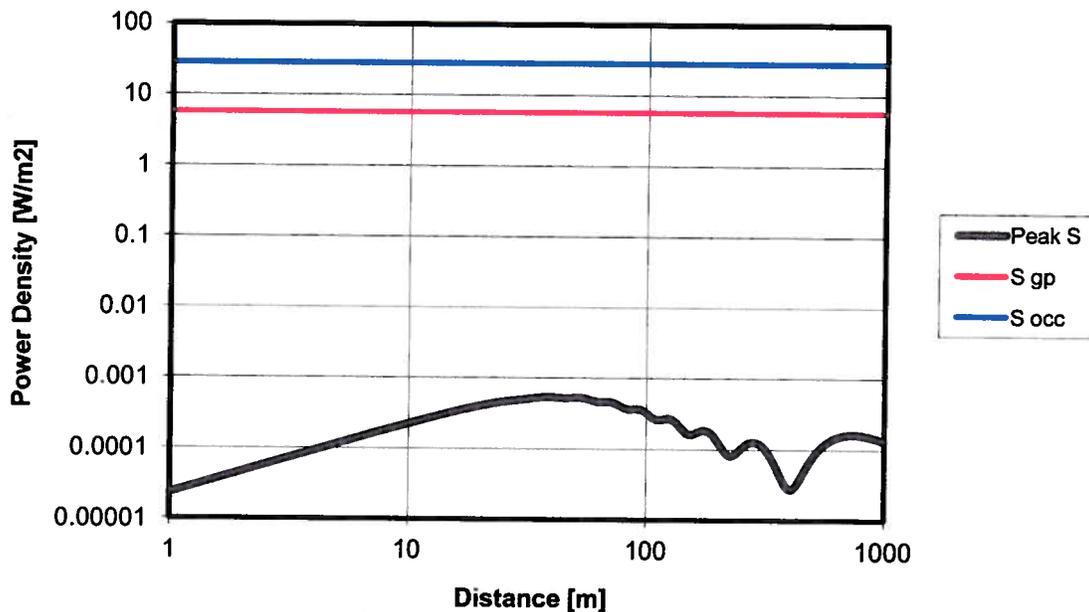
Exposure Assessment

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:

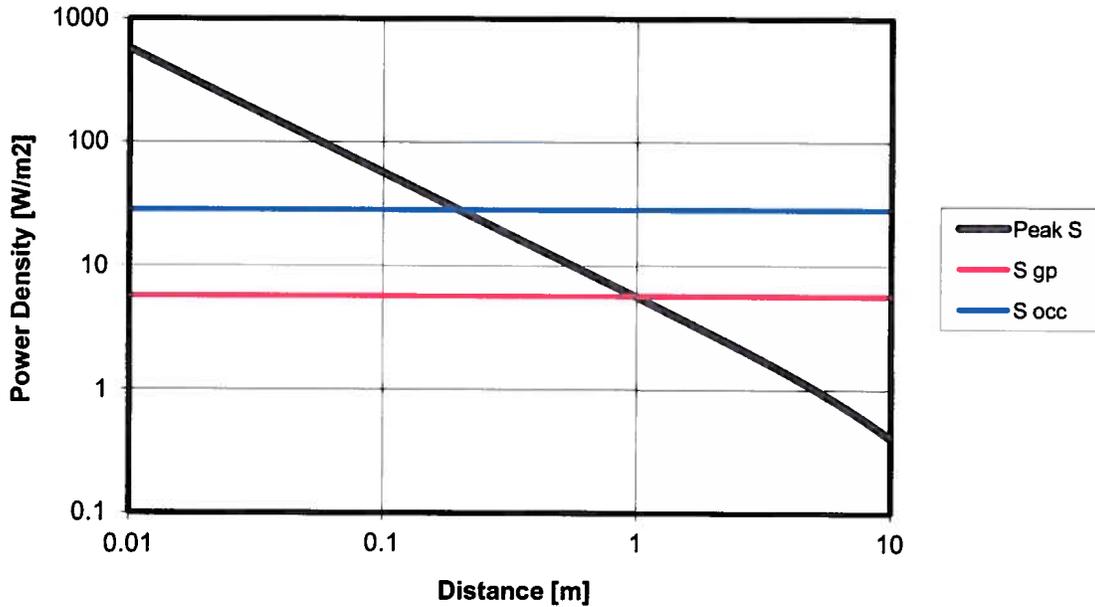
Antenna	SC479-HL1LDF (D02-E5608)
L	3.2 m
X	1
B	0.03

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

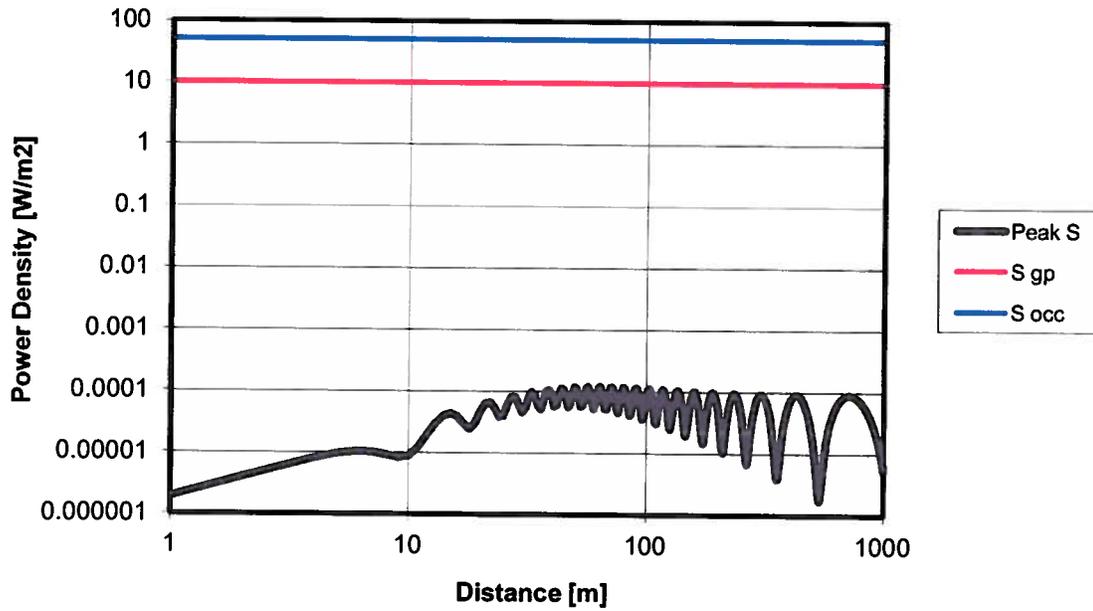
Because these two antennas have identical RF and antenna configurations, one assessment is made to cover both.

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:

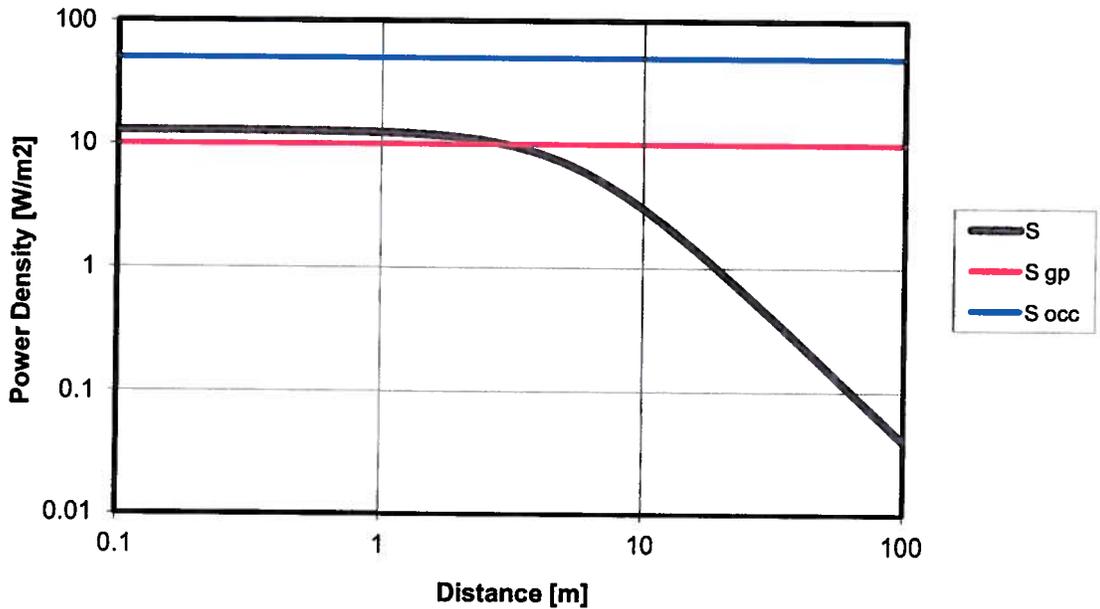
Antenna	85010089003
L	.63 m
X	.5
B	.0005

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].

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 3.0 m for general public and of 0.1 m for occupational type exposure.



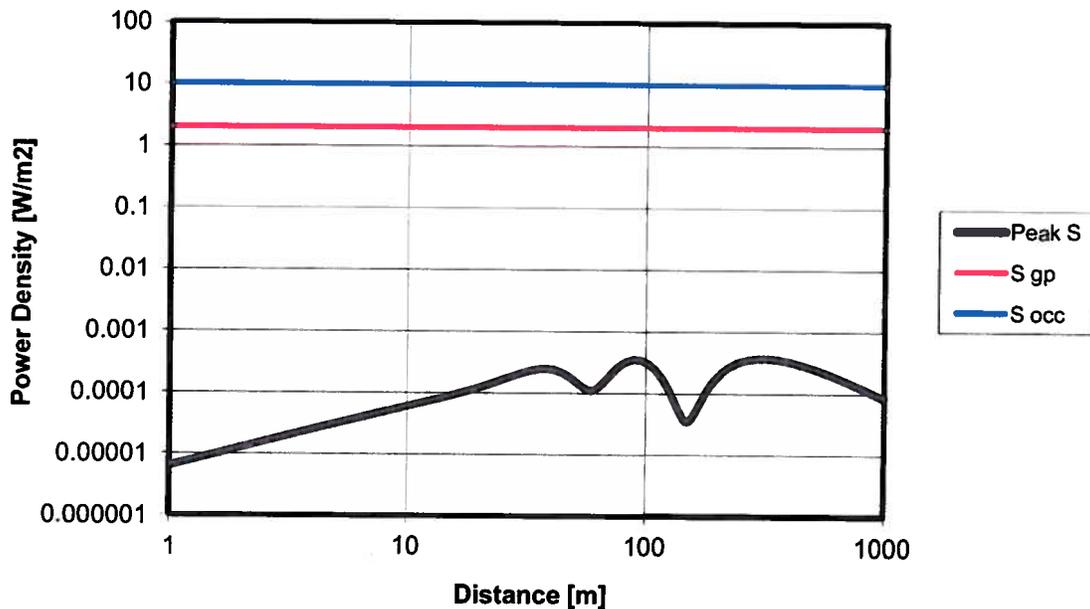
City of Winchester, Virginia - EME ASSESSMENT

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:

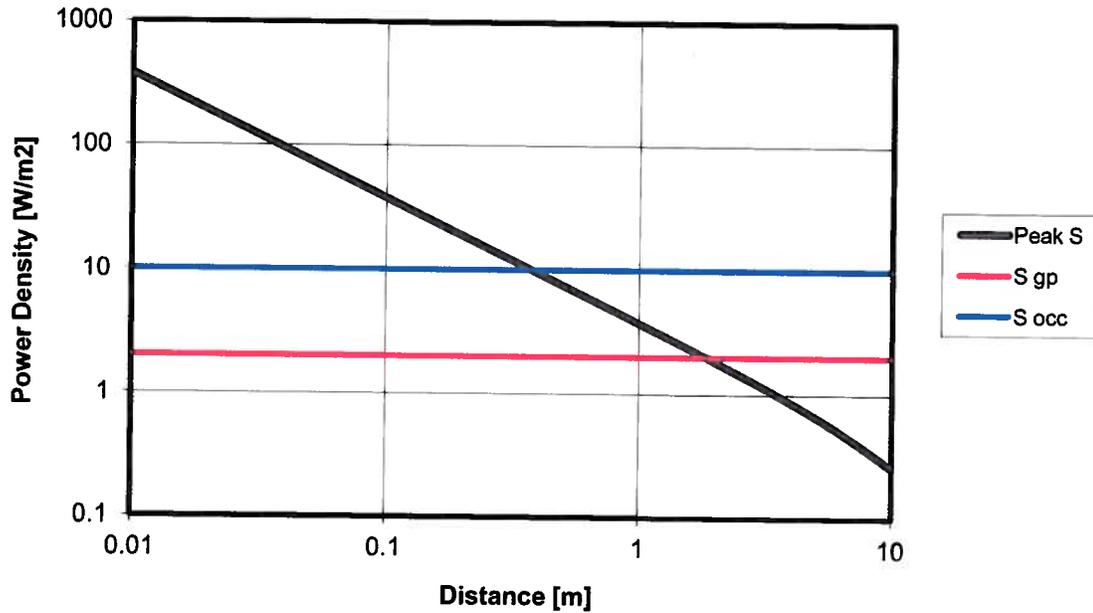
Antenna	SC229-SFXLDF
L	5.8 m
X	1
B	0.01

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



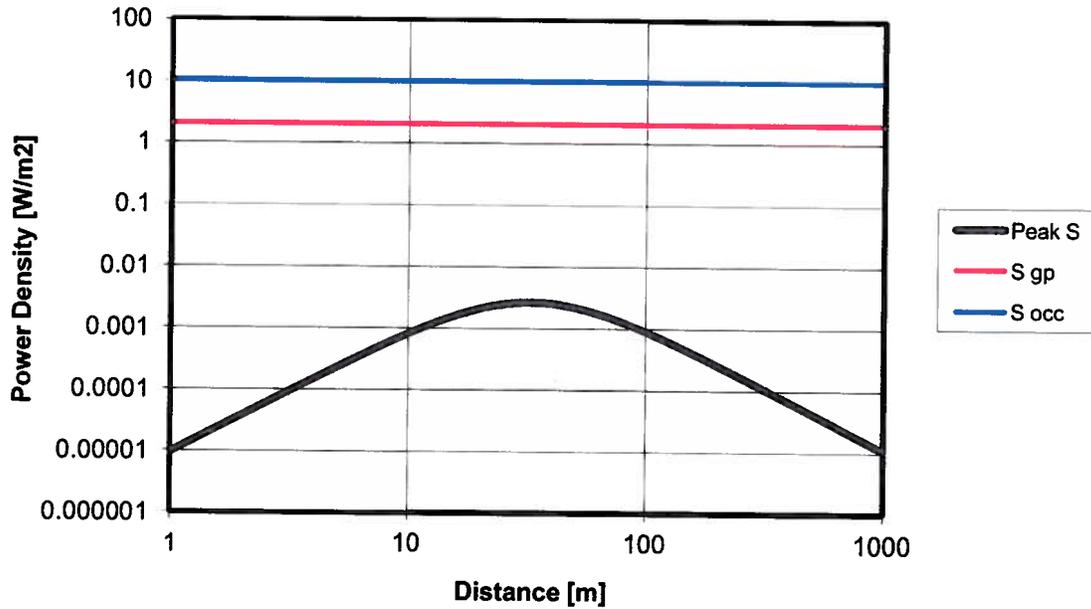
Low Band Antenna

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:

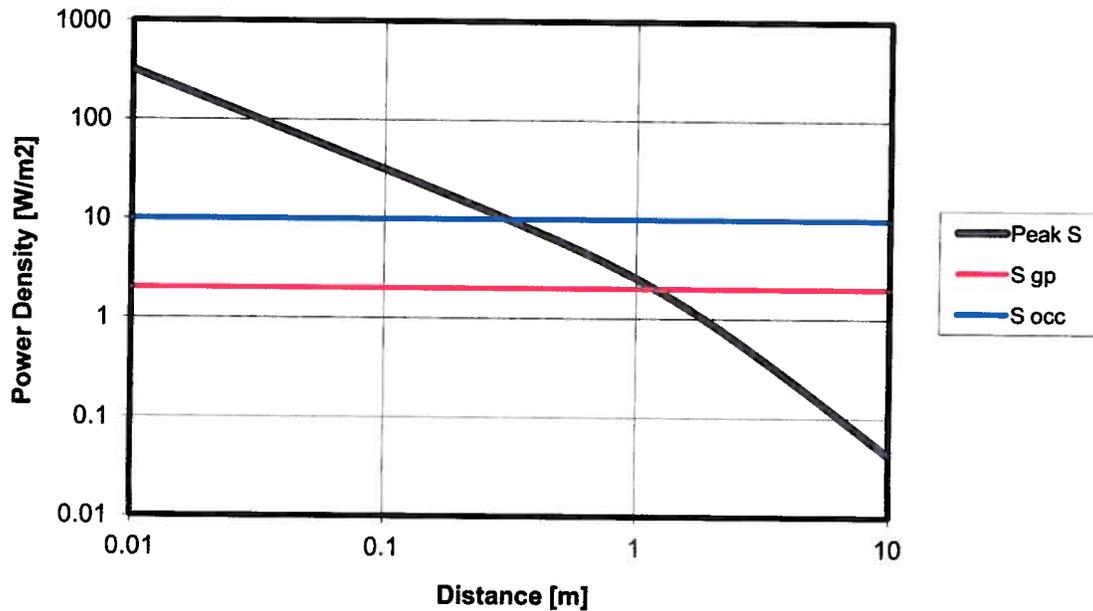
Antenna	1142-2BN2
L	3.3 m
X	1
B	0.00

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.

City of Winchester, Virginia

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: August 22, 2013 CUT OFF DATE: _____

RESOLUTION X ORDINANCE _____ PUBLIC HEARING _____

ITEM TITLE:

FY 2013 Staffing for Adequate Fire and Emergency Response Grant (SAFER)

STAFF RECOMMENDATION: It is the recommendation of City staff that Council approves our request to apply for the 2013 SAFER grant. If funding is not received through this grant effort, we will include this request during the normal course of the budget process.

PUBLIC NOTICE AND HEARING:

ADVISORY BOARD RECOMMENDATION:

FUNDING DATA: The only general fund request would be for some associated pre-employment hiring costs. Grantees must maintain operational staffing are the level that existed at the time of award as well as the SAFER-funded Staffing for the two-year SAFER Grant Period of Performance.

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.

DEPARTMENT	INITIALS FOR APPROVAL	INITIALS FOR DISAPPROVAL	DATE
1. Finance	<i>B</i>		8/22/13
2. _____			
3. _____			
4. _____			
5. City Attorney	<i>[Signature]</i>		8/22/2013
6. City Manager	<i>[Signature]</i>		8-22-13
7. Clerk of Council			

Initiating Department Director's Signature: _____

[Signature]

8/22/13
Date



APPROVED AS TO FORM:

[Signature] 8/22/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Allen Baldwin, Fire Chief
Date: August 22, 2013
Re: Staffing for Adequate Fire and Emergency Response Grant (SAFER)

THE ISSUE: The deadline for the 2013 Staffing for Adequate Fire and Emergency Response Grant (SAFER) is August 30, 2013. Winchester Fire and Rescue Department, under the direction of the City Manager has prepared an application for this grant. We are currently seeking approval from council to receive funding if grant is awarded to the City of Winchester Fire and Rescue Department for four firefighters.

RELATIONSHIP TO STRATEGIC PLAN: Goal 2 – Develop a High Performing City Organization
Objectives 1, 4, 5 and 6

BACKGROUND: The Federal SAFER grant is funding to assist with staffing. Additional staffing will allow increased staffing for fire and emergency responses. Funding from this grant would allow for reduced city funding for the next two years, while we continue to implement the council endorsed multi-year staffing plan. The guidelines are as follows:

1. Application deadline August 30, 2013.
2. Salary and benefit cost for hiring new firefighters would be covered at 100% during the two year grant performance period. (No City funds needed for salary and benefits) This is a change from previous years when city funds were needed each year at an increased %.
3. City must maintain positions for one year after the grant performance period ends.
4. City is responsible for all pre-employment hiring cost (testing, physical, etc...)
5. The cost of uniforms and personal protective equipment (PPE) and the initial physicals are also covered by grant. This is a change from previous years; these items are considered as benefits.
6. Efforts should be made to hire new firefighters within 90 days of being awarded the grant.
7. City would have to request reimbursement for the salaries and benefits from DHS on a quarterly basis.

BUDGET IMPACT: No general fund request for the grant performance period (2 years). Funding would be used for four new firefighter positions at approximately \$400,000 for salary and benefits. The only general fund request would be for some associated pre-employment hiring costs. Grantees must maintain operational staffing at the level that existed at the time of award as well as the SAFER-funded Staffing for the two-year SAFER Grant Period of Performance.

OPTIONS:

RECOMMENDATIONS: It is the recommendation of City staff that Council approves our request to apply for the 2013 SAFER grant. If funding is not received through this grant effort, we will include this request during the normal course of the budget process.

I, Kari J. Van Diest, Deputy Clerk of the Common Council, hereby certify on this ___ day of _____, 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 ___ day of _____, 2013.

Virginia Fire Incident Reporting System FY 2014 Hardware Grant

Winchester Fire and Rescue would like to place application with the Virginia Department of Fire Programs for the 2014 Virginia Fire Incident Reporting System 2014 Hardware Grant to assist with funding for the Fire and Rescue electronic record management software.

WHEREAS, the Common Council recognizes the importance of public safety and the importance of critically need to maintain records and protect the privacy of the public; and

WHEREAS, the Winchester Fire and Rescue Department is committed to providing a variety of emergency services to prevent the loss of life and property and maintaining the required records and documentation; and

WHEREAS, the Winchester Fire and Rescue Department is seeking approval and support to apply for the FY 2014 VFIRS Hardware Grant. If the grant is awarded the funds received would be used to purchase hardware to support our current electronic record management system software; and

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Winchester, Virginia does hereby support the application for the VFIRS Hardware to be submitted by the Winchester Fire and Rescue Department and authorizes the receipt of funding if the grant is selected, and authorizes the City Manager to sign all necessary documents to execute this grant application.

Resolution No. 2013-__

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

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

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 8/27/13 (work session), CUT OFF DATE: 8/21/13
9/10/13 (regular mtg)

RESOLUTION ___ ORDINANCE ___ PUBLIC HEARING X

ITEM TITLE:

CU-13-361 Request of Shenandoah Mobile, LLC for a conditional use permit to construct a telecommunications tower at 2633 Papermill Road (Map Number 291-01-7) zoned Commercial Industrial (CM-1) 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.

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

Initiating Department Director's Signature: (Planning) [Signature] 8/21/13



APPROVED AS TO FORM:

[Signature] 8/21/2013 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Will Moore, Planner
Date: August 21, 2013
Re: **CU-13-361** Request of Shenandoah Mobile, LLC for a conditional use permit to construct a telecommunications tower at 2633 Papermill Road (*Map Number 291-01-7*) zoned Commercial Industrial (CM-1) District.

THE ISSUE:

The request is to construct a new 100' monopole tower, along with associated antennas and equipment, at the Anderson Roofing and Sheet Metal Works, Inc. property.

RELATIONSHIP TO STRATEGIC PLAN:

N/A

BACKGROUND:

A request was received from the applicant to construct a new tower in order to upgrade its network to increase capacity and provide 4G services to the citizens on Winchester. The site contains an existing 92' tower which was deemed structurally insufficient to support the proposed equipment. Two panel antennas on that tower will be removed by the applicant. The property owner wishes to keep the existing tower for possible future use, although it will initially be vacant of an active user. This tower's continued presence in conjunction with the proposed construction of a new tower should be evaluated by Council. (See staff report for additional information).

BUDGET IMPACT:

No funding is required.

OPTIONS:

- Approve with conditions as recommended by the Planning Commission
- Approve with an additional condition requiring removal of the existing 92' tower
- Approve with revised conditions
- Deny the application

RECOMMENDATIONS:

Planning Commission recommended approval with conditions as noted within the staff report. Staff recommends an additional condition requiring removal of the existing 92' tower.

Council Work Session
August 27, 2013

CU-13-361 Request of Shenandoah Mobile, LLC for a conditional use permit to construct a telecommunications tower at 2633 Papermill Road (*Map Number 291-01-7*) zoned Commercial Industrial (CM-1) District.

REQUEST DESCRIPTION

The request is to construct a new 100' monopole tower, along with associated antennas and equipment, at the Anderson Roofing and Sheet Metal Works, Inc. property.

AREA DESCRIPTION

The subject property, along with surrounding land to the north, east, and south, is zoned CM-1. The subject property contains a roofing and sheet metal business and an existing $\pm 92'$ wireless communications tower.



The property to the immediate north contains the local UAW hall. Further to the north is a vacant commercial parcel. The property to the immediate south includes an equipment rental business and auto service uses. Further to the south are a beverage distributor and mobile home park. Land to the east on the opposite side of S Pleasant Valley Rd is vacant, but subject to an approved site plan. Land to the northeast on both sides of S Pleasant Valley Rd has been subject to recent development, including the sites of Panera and TGIFriday's. The CSX railroad runs along the rear of the property, with the EIP-zoned Frederick Douglass Elementary property to the west of the railroad.

STAFF COMMENTS

The site contains an existing $\pm 92'$ tower that was originally constructed and used for two-way radio operations. A conditional use permit was granted in 2004 for Shentel to collocate two cellular antennas on the existing tower. A structural analysis of the tower at this time indicated it would be able to support the two antennas subject to replacement of the guy wires.

The applicant outlines Shentel's desire to upgrade its network to increase capacity and provide 4G services to the citizens on Winchester in his letter dated July 2, 2013. A structural analysis was performed and determined that the existing tower cannot support the array of equipment that is proposed in the application and necessary to accomplish the desired coverage. While the analysis did not specifically address the suitability of the tower's continued use in its current condition, it did note that "(t)his tower is so light weight such that the mapping crew refused to climb the tower."

The applicant also discusses other possibilities that were considered for site location or collocation, including a request made to collocate on the water tank at the Federal Mogul site further to the north. That request was denied due to the closing of operations and listing of the property for sale, as was a similar request made in 2004 prior to collocating on the current tower at 2633 Papermill Rd.

The new tower is proposed at 100' in height, the maximum allowable for consideration in the CM-1 District. It is a self-supporting, monopole design, which is generally considered less objectionable to viewsheds than lattice structures or those requiring guy wires for support. An external-mounted equipment array including six (6) antennas is proposed at the top of the tower. Photo simulations have been provided from several surrounding properties to assist in evaluating the impact on viewsheds. The tower and equipment compound are proposed to be located to the far rear of the site, adjacent to the railroad ROW. An associated site plan has been submitted for the improvements.

The proposal includes removal of Shentel's antennas and cabling from the existing tower on the site, however the tower itself is not proposed for removal. This is consistent with the conditions in the 2004 conditional use permit for collocation on this tower. However, there is no other current user of this tower and its continued presence in conjunction with the proposed construction of a new tower should be evaluated by the Planning Commission and City Council. A future collocation on this tower could be considered through the CUP process, however it would, at least initially, be vacant of an active user and its suitability for future use would need to be determined.

RECOMMENDATION

For a conditional use permit to be approved, a finding must be made that the proposal as submitted or modified will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood.

At its August 20, 2013 meeting, the Planning Commission forwarded **CU-13-361** to Council recommending approval 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 recommendation is subject to the following conditions:

1. Staff approval of the related site plan;
2. Submission an as-built emissions certification after the facility is in operation;
3. The applicant, tower owner, or property owner shall remove equipment within ninety (90) days once the equipment is no longer in active use; and,
4. Submission of a bond guaranteeing removal of facilities should the use cease.

Staff suggested that if favorable consideration was given to construction of the new proposed tower, an additional condition requiring removal of the existing ±92' tower should be considered. The Commission deliberated on this matter, but did not include the condition in its recommendation.

Will Moore

CU-13-361

From: Kevin McKew <mckewk@wps.k12.va.us>
Sent: Wednesday, August 14, 2013 3:52 PM
To: Will Moore
Cc: Rick Leonard
Subject: RE: cell tower adj to FDES

Correspondence

FILE COPY

Hi Will – We did get your notice to adjoining property owners. 2 years ago the School Board entered into a marketing agreement with a company who brokers deals for cell towers in hopes of encouraging a cell tower on school property as a revenue generating source. At that time, the Board was briefed on the health/safety aspects, and was comfortable with proceeding; so, no, we don't have a problem with it, providing the normal City requirements relating to setbacks, fencing, etc. are in place. Thanks for touching base.

Kevin J. McKew
Executive Director
Winchester Public Schools
12 N. Washington Street
Winchester, VA 22601
540.667.4253

From: Will Moore [<mailto:wmoore@ci.winchester.va.us>]
Sent: Wednesday, August 14, 2013 12:54 PM
To: Kevin McKew
Cc: Rick Leonard
Subject: cell tower adj to FDES

Kevin,

There is a request going before the Planning Commission next week for a conditional use permit to allow for a 100' cell tower to be constructed at a property on Papermill Rd just across the railroad tracks from Frederick Douglass E.S. The Commission asked staff to check directly with WPS to see if you have any concerns related to the request. Our preliminary staff report to the Commission is attached. Please let me know if you have any input that you would like passed along. The meeting/public hearing is Tue, 8/20 at 3pm.

Thanks,
Will

William M. Moore
Planner - City of Winchester, VA
Phone: 540.667.2117
Fax: 540.722.3618
wmoore@ci.winchester.va.us
www.winchesterva.gov



*Lynn Koerner - 540-335-0030
Site Acquisition and Project Development
Contractor for Shentel*

July 2, 2013

Mr. Aaron Grisdale, Director of Zoning and Inspections
City of Winchester
Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Re: Shenandoah Mobile, LLC – Tower 786 – South Pleasant Valley

Dear Mr. Grisdale:

Shenandoah Mobile, LLC ("Shentel") is upgrading its wireless network to increase capacity and provide state-of-the-art Sprint 4G wireless service to the citizens of the City of Winchester. To do so, Shentel must add new antenna and equipment to our existing site that is located on a tower at 2633 Papermill Road. This property is owned by Anderson Sheet Metal Works, Inc. Shentel had a structural report prepared for the existing tower location and it failed at 241% (the report is attached). Due to this extreme failure rate, Shentel is left with no alternative than to build a new tower that will accommodate the antenna and equipment load required to keep this important network site operational. Shentel has negotiated a lease agreement with Darwin Anderson for the placement of a Site at the rear of the parcel abutting the railroad tracks. This proposed Site will allow us to continue to provide the wireless capacity service within the area as well as allow us to upgrade and improve that coverage with 4G service.

When establishing telecommunications facilities in established areas of cities, the search area required for the placement of the wireless facility is very concentrated and of limited size. The existing site was originally selected and has been in operation since 2004. Since this is an established and proven location, the area in which to search for an alternate location was even more limited.

In addition to the location selected at the Anderson Sheet Metal parcel, contact was made with Roger Rodriguez at Federal Mogul regarding the use of the water tank. Mr. Rodriguez presented the request thru management and the request was denied due to the closing of the facility and future sale of the property. I will note that originally in 2004, Federal Mogul was contacted and denied our request at that time to use the water tank as a platform for our antenna equipment. Contact was made with Ed Duncan at Tire Outfitters, 2712 South Pleasant Valley Road for use of a portion of the parcel behind his business. Additionally, contact was

Mr. Aaron Grisdale, Director Zoning and Inspections
Jul 2, 2013
Page 2

made regarding a parcel at 2509 Papermill Road that was for sale and with Dixie Distributing located on South Pleasant Valley Road. After evaluations of the locations of the parcels, lack of interest of the property owner and our RF teams review of the various locations, it was determined that the proposed site best meets the needs of Shentel and it is felt to be the best fit and have the least effect on the surrounding properties.

A photo simulation packet depicting a "simulation" of how the proposed tower with antenna will look in the location have been included in the package submitted with the Conditional Use Application.

I have been working closely with our consultant, BL Companies, for the historical review process, to determine if this site has any effect on historical structures or properties in the area. As of the date of this letter, the final report has not been received but is expected any day. I will submit the final report as soon as received. Shentel has also submitted the application to the FAA to determine any height issues, but on our initial review, no issues are expected.

The electromagnetic fields for this Site will not exceed the radio frequency emission standards established by the American National Standards Institute or standards issued by the Federal Government, and will not adversely affect the health, safety, or welfare of persons residing or working in the neighborhood of the proposed Site. We feel that keeping this Site in operation and actually improving the coverage/capacity in this area will be a benefit to the citizens of Winchester and is in line with the goals of the Comprehensive Plan.

Please contact me at (540)335-0030 should you have any questions

Sincerely yours,



Lynn Koerner
Site Acquisition
and Project Development
Contractor for Shentel

Attachments
as

0-2013-28

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 8/27/13 (work session), **CUT OFF DATE:** 8/21/13
9/10/13 (1st Reading) 10/8/13 (2nd Reading/Public Hearing)

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

ITEM TITLE:

TA-13-146 AN ORDINANCE TO AMEND AND RE-ENACT ARTICLES 1, 8, 9, 10, AND 13 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO RESTAURANTS AND ENTERTAINMENT ESTABLISHMENTS

STAFF RECOMMENDATION:

Approval.

PUBLIC NOTICE AND HEARING:

Public hearing for 10/8/13 Council mtg .

ADVISORY BOARD RECOMMENDATION:

Planning Commission forwarded without recommendation.

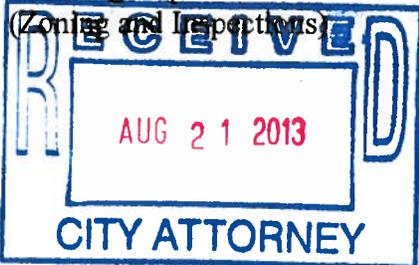
FUNDING DATA: N/A

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. City Attorney		_____	8/21/2013
3. City Manager		_____	8-22-13
4. Clerk of Council	_____	_____	_____
	_____	_____	_____

Initiating Department Director's Signature:  8/21/13



APPROVED AS TO FORM:


CITY ATTORNEY

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: Text Amendment (TA-13-146) – Entertainment Establishments

THE ISSUE:

Publicly sponsored text amendment to clarify the Zoning Ordinance and make a distinction between restaurants and entertainment establishments.

RELATIONSHIP TO STRATEGIC PLAN:

Goal #3 Continue Revitalization of Historic Old Town, Goal #4 Create a More Livable City for All, Management in Progress (2013-2014) – Night Club Ordinance

BACKGROUND:

As noted in the City Strategic Plan, this ordinance is a result of the Downtown Strategic Plan adopted by Council which called for revisiting Nightclub regulations and as part of the Strategic Plan, which has called for creation of a “Vibrant Downtown” and “Growing Economy.” This text amendment serves as a response to City Council’s desire to modify the existing regulations, by eliminating the definitions of Dance Hall and Nightclub and the creation of a new use Entertainment Establishment.

The proposed ordinance will create a distinction between a restaurant that is continuously operated as a restaurant and allowing for background music or entertainment that is clearly subordinate to the restaurant use. However, for uses where a business or restaurant evolves from a restaurant use to an entertainment use, then the Entertainment Establishment classification will apply.

This proposal will not affect the current enforcement powers currently available to each of the various City and State departments and agencies that have oversight of their laws and ordinances. For instance, noise control is already codified in Chapter 17 of City Code, and the Winchester Police will continue to have their enforcement authority of their provision of the code. (Full staff report 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.

City Council Work Session
August 27, 2013

TA-13-146 AN ORDINANCE TO AMEND AND RE-ENACT ARTICLES 1, 8, 9, 10, AND 13 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO RESTAURANTS AND ENTERTAINMENT ESTABLISHMENTS

REQUEST DESCRIPTION

This publicly sponsored text amendment is to clarify the Zoning Ordinance and make a distinction between restaurants and entertainment establishments.

STAFF COMMENTS

Currently, the Zoning Ordinance allows for restaurants that evolve into establishments where some form of entertainment, live or otherwise, takes place after 10:00 p.m. by allowing for a conditional use permit within certain zoning districts in the form of *Nightclubs*.

City Council, as part of their Downtown Strategic Plan, has called for revisiting the *Nightclub* regulations and as part of the Strategic Plan has called for creation of a "Vibrant Downtown" and "Growing Economy." This text amendment serves as a response to City Council's desire to modify the existing regulations, by eliminating the definitions of *Dance Hall* and *Nightclub* and the creation of a new use *Entertainment Establishment*.

These proposed changes will create a distinction between a restaurant that is continuously used as a restaurant, and allowing for background music or entertainment that is clearly subordinate to the restaurant use. However, for uses where a business or restaurant evolves at some point of their operations away from food service to an entertainment use, then the *Entertainment Establishment* classification will apply.

In the several commercial districts where restaurants and nightclubs are currently permitted (B-1, B-2, CM-1, PC), *Entertainment Establishments* will be permitted by-right as long as the building containing the use and its parking facilities are located at least 200-feet from a residentially zoned parcel. If the business or parking lot are located within the 200-foot buffer, then the establishment will be required to seek a conditional use permit through the City Council with a recommendation from the Planning Commission.

The proposed text amendment also establishes several minimum standards that all *Entertainment Establishments* must adhere to, regardless if the business is permitted by-right or with a conditional use permit.

This proposal will not change the requirement for a business to comply with other existing local and state departments and agencies, such as alcohol compliance issues with Virginia Alcohol Beverage Control (ABC), collection and payment of taxes with the Commissioner of Revenue and Treasurer's offices, and criminal issues with the Winchester Police Department. Each department and agency still maintains their existing enforcement mechanisms should the establishment violate their requirements and laws.

RECOMMENDATION

During their August 20, 2013 meeting, the Planning Commission forwarded the amendment without recommendation and adoption of this text amendment.

**RESOLUTION ADOPTING AN ORDINANCE TO AMEND AND RE-ENACT ARTICLES 1, 8, 9, 10, AND 13 OF
THE WINCHESTER ZONING ORDINANCE PERTAINING TO RESTAURANTS AND ENTERTAINMENT
ESTABLISHMENTS**

TA-13-146

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

WHEREAS, in the Winchester Strategic Plan, a vibrant downtown and growing economy were called out as part of the long term vision for the City of Winchester; and,

WHEREAS; the Zoning Ordinance currently provides for restaurants, nightclubs, and dance halls; and,

WHEREAS, the proposed Zoning Ordinance amendment will modify the use classifications of restaurant and create a new classification of "Entertainment Establishment"; and,

NOW, THEREFORE, BE IT RESOLVED that the Winchester Common Council hereby adopts the following text amendment as it represents good planning practices by providing an opportunity for a vibrant downtown as well as allowing for reasonable review of entertainment uses in close proximity to residential zones:

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLES 1, 8, 9, 10, AND 13 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO RESTAURANTS AND ENTERTAINMENT ESTABLISHMENTS

TA-13-146

Draft 4 –July 16, 2013

*Ed. Note: The following text represents an excerpt of Article 1 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 1

DEFINITIONS

SECTION 1-2. DEFINITIONS.

- ~~1-2-28.1~~ DANCE HALL: A public establishment that, on a regular basis and for an admission fee, provides music and space for dancing. (9/12/89, Case TA 89-02, Ord. No. 023-89) **Repealed.**
- ~~1-2-68.1~~ NIGHT CLUB: An establishment that provides live amplified music, Karaoke, DJs, and/or dancing between the hours of 10 p.m. and 6 a.m. (11/13/01, Case TA 01-06, Ord. No. 035-2001) **Repealed.**
- 1-2-79 RESTAURANT: Any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises. **Any place of business wherein foods or beverages are provided for consumption as the primary use. The term restaurant includes, without limitation; lunchrooms, cafeterias, coffee shops, cafes, taverns, delicatessens, dinner theaters, pubs, soda fountains, and dining accommodations of public or private clubs. This definition excludes: bakeries; bed-and-breakfast facilities; grocery and convenience retail stores; catering businesses (where food is prepared for consumption at another site); snack bars and refreshment stands at public recreation facilities; concession stands at athletic activities, or any facility exempt from state licensure requirements pursuant to Code of Virginia § 35.1-25. Entertainment and music for restaurant patrons for which no cover charge is required and is clearly incidental and accessory to the restaurant's primary function as defined herein is permitted.**
- 1-2-79.1 ESTABLISHMENT, ENTERTAINMENT: A venue where entertainment, during any one hour or more, becomes the principal use during that time for the business' operations, or such entertainment occurs after 11:00 p.m., with or without dancing, and typically involving a cover or other charge for admission and event advertising. These venues shall not include theaters, bowling alleys, stadiums, arenas, or other separately defined uses.**

ARTICLE 8

HIGHWAY COMMERCIAL DISTRICT - B-2

SECTION 8-1. USE REGULATIONS.

8-1-52 Entertainment Establishments, located at least 200 feet from a residentially zoned property, as measured from the structure containing the establishment or the off-street parking area to the residential zone property line.

SECTION 8-2. USES REQUIRING A CONDITIONAL USE PERMIT

8-2-4 ~~Nightclubs and dance halls.~~ Entertainment Establishments, located less than 200 feet from a residentially zoned property, as measured from the structure containing the establishment or the off-street parking area to the residential zone property line, and such establishments where the entertainment will be conducted outdoors.

ARTICLE 9

CENTRAL BUSINESS DISTRICT - B-1

SECTION 9-1. USE REGULATIONS.

9-1-45 Entertainment Establishments, located at least 200 feet from a residentially zoned property, as measured from the structure containing the establishment or the off-street parking area to the residential zone property line.

SECTION 9-2. USES REQUIRING A CONDITIONAL USE PERMIT

9-2-8 ~~Nightclubs and dance halls.~~ Entertainment Establishments, located less than 200 feet from a residentially zoned property, as measured from the structure containing the establishment or the off-street parking area to the residential zone property line, and such establishments where the entertainment will be conducted outdoors.

ARTICLE 10

COMMERCIAL INDUSTRIAL DISTRICT - CM-1

SECTION 10-1. USE REGULATIONS.

10-1-43 Entertainment Establishments, located at least 200 feet from a residentially zoned property, as measured from the structure containing the establishment or the off-street parking area to the residential zone property line.

SECTION 10-2. USES REQUIRING A CONDITIONAL USE PERMIT.

10-2-3 ~~Nightclubs and dance halls.~~ Entertainment Establishments, located less than 200 feet from a residentially zoned property, as measured from the structure containing the establishment or the off-street parking area to the residential zone property line, and such establishments where the entertainment will be conducted outdoors.

ARTICLE 13

PLANNED DEVELOPMENT

SECTION 13-2. PLANNED COMMERCIAL DISTRICT – PC

13-2-3.16 Entertainment Establishments, located at least 200 feet from a residentially zoned property, as measured from the structure containing the establishment or the off-street parking area to the residential zone property line.

SECTION 13-2-4 USES PERMITTED WITH A CONDITIONAL USE PERMIT.

13-2-4.5 ~~Nightclubs and dance halls.~~ Entertainment Establishments, located less than 200 feet from a residentially zoned property, as measured from the structure containing the establishment or the off-street parking area to the residential zone property line, and such establishments where the entertainment will be conducted outdoors.

ARTICLE 18

GENERAL PROVISIONS

Section 18-24 Entertainment Establishments

All entertainment establishments must meet the following minimum standards. Failure to maintain compliance shall result in the operation being declared in violation of the Zoning Ordinance. If an establishment desires to deviate from any of these standards, a conditional use permit shall be required.

18-24-1 General Standards

18-24-1.1 All exterior doors and windows must remain closed during operating hours.

18-24-1.2 No more than three criminal police calls, as determined by the Chief of Police, may be attributable to the establishment within a thirty day continuous period; after which private security shall be required in a manner approved by the Chief of Police.

18-24-1.3 **Hours of operation on Sundays through Thursdays shall not occur outside of 8:00 a.m. to 11:00 p.m. and Fridays and Saturdays shall not occur outside of 8:00 a.m. until 2:00 a.m. the following day.**

18-24-1.4 **The business shall comply with with applicable noise and maximum sound level regulations per Chapter 17 of Winchester City Code, as amended.**

0-2013-29

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 8/27/13 (work session), CUT OFF DATE: 8/21/13
9/10/13 (1st Reading) 10/8/13 (2nd reading)

RESOLUTION ___ ORDINANCE X PUBLIC HEARING X

ITEM TITLE:

RZ-13-380 AN ORDINANCE TO REZONE APPROXIMATELY 41.5 ACRES OF LAND CONTAINING APPROXIMATELY 86 PARCELS, EITHER IN FULL OR IN PART, TO BE INCLUDED IN THE CORRIDOR ENHANCEMENT (CE) DISTRICT; SUBJECT PARCELS ARE ADJACENT TO, OR WITHIN 400 FEET OF, THE BERRYVILLE AVENUE RIGHT-OF-WAY

STAFF RECOMMENDATION:

Approval

PUBLIC NOTICE AND HEARING:

Public hearing for 10/8/13 Council mtg

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval.

FUNDING DATA: N/A

INSURANCE: N/A

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

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

Initiating Department Director's Signature: [Signature] 8/21/13



APPROVED AS TO FORM: [Signature] 8/21/2013 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
From: Tim Youmans, Planning Director
Date: August 21, 2013
Re: **RZ-13-380** AN ORDINANCE TO REZONE APPROXIMATELY 41.5 ACRES OF LAND CONTAINING APPROXIMATELY 86 PARCELS, EITHER IN FULL OR IN PART, TO BE INCLUDED IN THE CORRIDOR ENHANCEMENT (CE) DISTRICT; SUBJECT PARCELS ARE ADJACENT TO, OR WITHIN 400 FEET OF, THE BERRYVILLE AVENUE RIGHT-OF-WAY

THE ISSUE:

This is a city-initiated rezoning to establish the boundaries of the Berryville Avenue Corridor Enhancement District that was created by City Council in 2005.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 4: Create a more liveable city for all
City Gateway Beautification as a High Priority Policy Agenda Action for 2013-2014

BACKGROUND:

See attached staff report

BUDGET IMPACT:

This CE overlay zoning will promote the aesthetic character and functionality of major tourist access corridors leading into the local and national Historic Winchester District. It will promote the general welfare of the community by attracting visitors and generating business through heritage tourism-based economic development

OPTIONS:

- Approve rezoning as recommended by Planning Commission
- Deny; leave Berryville Ave without gateway beautification called for in Strategic Plan

RECOMMENDATIONS:

Planning Commission unanimously recommended approval.

Council Work session
August 27, 2013

RZ-13-380 AN ORDINANCE TO REZONE APPROXIMATELY 41.5 ACRES OF LAND CONTAINING APPROXIMATELY 86 PARCELS, EITHER IN FULL OR IN PART, TO BE INCLUDED IN THE CORRIDOR ENHANCEMENT (CE) DISTRICT; SUBJECT PARCELS ARE ADJACENT TO, OR WITHIN 400 FEET OF, THE BERRYVILLE AVENUE RIGHT-OF-WAY.

REQUEST DESCRIPTION

This publicly sponsored rezoning request is to apply the Corridor Enhancement (CE) District to approximately 41.5 acres (part or all of 86 parcels) comprising land along Berryville Avenue, a key tourist entry route connecting to Exit 315 of Interstate 81 and designated as Virginia State Route 7 Corridor. The standards and guidelines for the Berryville Avenue CE Overlay District were unanimously approved by Council on April 12, 2005, and are intended to protect and promote major tourist access routes in the City.

AREA DESCRIPTION

The area of this rezoning begins on the east at the intersection of I-81 and Berryville Avenue and continues westward along both sides of Berryville Avenue to N. Pleasant Valley Road...

The underlying zoning of the affected area is a mix of Highway Commercial, B-2 and Medium Density Residential, MR District. Most of the north side of the corridor east of Dunlap Street and all of the south side of the corridor east of Elm Street is in commercial use. The corridor includes commercial uses along both sides of the corridor at the west end between Pleasant Valley Road and the intersection of Virginia Avenue. The remaining land, mostly along the south side, is zoned MR and is mostly in single-family residential use.

The following table lists the parcels that are to be rezoned and the approximate affected acreage:

Number	Range	Street	Tax Map ID	Affected Acreage	Current Zoning	Proposed Zoning
370		Battle Ave	175-05- -16	0.353	B-2	B-2(CE)
617		National Ave	195-01-A-1A	0.148	MR	MR(CE)
250		N. Pleasant Valley Rd	195-01-A-1B	0.021	MR	MR(CE)
300		N. Pleasant Valley Rd	175-05- -4	0.330	B-2	B-2(CE)
301	-317	N. Pleasant Valley Rd	175-05- -2-3	0.326	B-2	B-2(CE)
340		N. Pleasant Valley Rd	175-05- -A	3.362	B-2	B-2(CE)
702		Virginia Ave	175-04- -9-10	0.519	MR	MR(CE)
603		Woodland Ave	175-02-R-124	0.189	B-2	B-2(CE)
615		Woodland Ave	175-02-R-125	0.170	B-2	B-2(CE)
601		Berryville Ave	195-07-S-133C	0.374	B-2	B-2(CE)
625		Berryville Ave	195-07-S-133D	0.116	B-2	B-2(CE)
645		Berryville Ave	175-02-R-123B	0.207	B-2	B-2(CE)
649		Berryville Ave	175-02-R-123A	0.172	B-2	B-2(CE)
671		Berryville Ave	175-02-A-2	0.176	B-2	B-2(CE)
675		Berryville Ave	175-02-A-3	0.180	MR	MR(CE)
678		Berryville Ave	175-04- -B>A	0.400	MR	MR(CE)
679		Berryville Ave	175-02-A-4	0.156	MR	MR(CE)
680		Berryville Ave	175-04- -7A	0.158	MR	MR(CE)
682		Berryville Ave	175-04- -6	0.130	MR	MR(CE)
683		Berryville Ave	175-02-A-5	0.160	MR	MR(CE)
684		Berryville Ave	175-04- -5	0.160	MR	MR(CE)
687		Berryville Ave	175-02-A-6	0.184	MR	MR(CE)
691		Berryville Ave	175-02-A-7	0.189	MR	MR(CE)

695		Berryville Ave	175-02-A-8-9	0.313	MR	MR(CE)
702		Berryville Ave	175-01- -3	0.183	MR	MR(CE)
703		Berryville Ave	175-02-B-10	0.201	MR	MR(CE)
707		Berryville Ave	175-02-B-11	0.207	MR	MR(CE)
710		Berryville Ave	175-01- -2	0.482	B-2	B-2(CE)
711		Berryville Ave	175-02-B-12	0.212	MR	MR(CE)
712		Berryville Ave	175-01- -1B	0.230	B-2	B-2(CE)
715		Berryville Ave	175-02-B-13	0.200	MR	MR(CE)
719		Berryville Ave	175-02-B-14	0.182	MR	MR(CE)
723		Berryville Ave	175-02-B-15	0.221	MR	MR(CE)
726	-744	Berryville Ave	175-01- -1A	1.693	B-2	B-2(CE)
727		Berryville Ave	175-02-B-16	0.262	MR	MR(CE)
731		Berryville Ave	175-02-B-17	0.174	MR	MR(CE)
735		Berryville Ave	175-02-B-18	0.218	MR	MR(CE)
739		Berryville Ave	175-02-B-19	0.224	MR	MR(CE)
743		Berryville Ave	175-02-B-20	0.206	MR	MR(CE)
747		Berryville Ave	175-02-B-21	0.225	MR	MR(CE)
748		Berryville Ave	175-01- -1C	0.344	B-2	B-2(CE)
800		Berryville Ave	176-07- -1A	0.720	B-2	B-2(CE)
802	-822	Berryville Ave	176-07- -1D (partial)	0.262	B-2	B-2(CE)
803		Berryville Ave	175-02-C-22	0.225	MR	MR(CE)
807		Berryville Ave	175-02-C-23	0.225	MR	MR(CE)
811		Berryville Ave	175-02-C-24	0.223	MR	MR(CE)
815		Berryville Ave	176-04-C-25	0.223	MR	MR(CE)
819		Berryville Ave	176-04-C-26	0.222	MR	MR(CE)
823		Berryville Ave	176-04-C-27	0.222	MR	MR(CE)
826		Berryville Ave	176-07- -1B	0.404	B-2	B-2(CE)
827		Berryville Ave	176-04-C-28	0.223	MR	MR(CE)
828		Berryville Ave	176-07- -1C	0.669	B-2	B-2(CE)
831		Berryville Ave	176-04-C-29	0.221	MR	MR(CE)
835		Berryville Ave	176-04-C-30	0.220	MR	MR(CE)
836	-906	Berryville Ave	176-06- -8	1.730	B-2	B-2(CE)
839		Berryville Ave	176-04-C-31	0.109	MR	MR(CE)
903		Berryville Ave	176-04-D-32	0.220	MR	MR(CE)
907		Berryville Ave	176-04-D-33	0.217	MR	MR(CE)
911		Berryville Ave	176-04-D-34	0.214	MR	MR(CE)
914		Berryville Ave	176-07- -2C	0.651	B-2	B-2(CE)
915		Berryville Ave	176-04-D-35	0.211	MR	MR(CE)
919		Berryville Ave	176-04-D-36	0.208	MR	MR(CE)
923		Berryville Ave	176-04-D-37	0.205	MR	MR(CE)
927		Berryville Ave	176-04-D-38	0.200	MR	MR(CE)
928		Berryville Ave	176-07- -3	1.195	B-2	B-2(CE)
929		Berryville Ave	176-04-D-39	0.195	MR	MR(CE)
943		Berryville Ave	176-04-D- 41>A	0.542	B-2	B-2(CE)
1000		Berryville Ave	176-03- -1	0.502	B-2	B-2(CE)
1003		Berryville Ave	176-04-E-43	0.837	B-2	B-2(CE)
1010		Berryville Ave	176-03- -2	0.729	B-2	B-2(CE)
1019		Berryville Ave	176-04-E-47	0.230	B-2	B-2(CE)
1041		Berryville Ave	196-08-E-3	0.159	B-2	B-2(CE)
1042		Berryville Ave	176-03- -6>A	0.967	B-2	B-2(CE)
1100		Berryville Ave	176-03- -17-1B	0.364	B-2	B-2(CE)
1107		Berryville Ave	196-08-E-2	0.768	B-2	B-2(CE)
1109	-1139	Berryville Ave	196-08-E-A	2.173	B-2	B-2(CE)
1110		Berryville Ave	176-03- -19	0.191	B-2	B-2(CE)
1124		Berryville Ave	176-03- -20>A	0.970	B-2	B-2(CE)
1141		Berryville Ave	196-08-E-8	5.225	B-2	B-2(CE)
1200	-1202	Berryville Ave	177-02- -11	0.370	B-2	B-2(CE)
1208		Berryville Ave	177-02- -13	0.927	B-2	B-2(CE)
1217		Berryville Ave	196-08-E-47	0.510	B-2	B-2(CE)
1327		Berryville Ave	196-11- -1 (partial)	0.047	B-2	B-2(CE)
1333		Berryville Ave	196-11- -4	0.588	B-2	B-2(CE)
1351		Berryville Ave	197-02- -7B (partial)	0.662	B-2	B-2(CE)
1365		Berryville Ave	197-02- -7A	1.338	B-2	B-2(CE)

COMMENTS FROM THE PLANNING DEPARTMENT

The Comprehensive Plan calls for guiding the physical form of development along key tourist entry corridors leading into the City's core historic district by utilizing a combination of standards and guidelines. In 2013, City Council adopted a Strategic Plan which called for City Gateway Beautification in order to partly meet the goal of Creating a More Livable City for All. Another goal in the Strategic Plan is to Continue Revitalization of Historic Old Town. One of the objectives related to that goal is to Enhance Gateways to Historic Old Town. Council has previously approved CE Districts for Valley Avenue, Amherst Street, Cedar Creek Grade, and portions of S. Pleasant Valley Rd and E. Cork Street. Other CE Districts for which standards and guidelines are already adopted, but for which the overlay rezoning has not taken place include: Millwood Avenue, Fairmont Avenue, N. Loudoun Street, and National Avenue. The overlay CE zoning for the northernmost section of Valley Avenue has not been adopted yet either.

THE DISTRICT

Corridor Enhancement Overlay Districts provide guidelines and regulations for building aesthetics and site features; **it does not change the underlying zoning that regulates land use.** Some examples of CE standards include: building orientation, roof treatments, wall treatments, and placement of mechanical units. It guides any proposed exterior changes or new construction on a mixture of commercial and residentially-used land. The attached map depicts the specific boundaries of the district. Booklets outlining the standards and guidelines specific to Berryville Avenue and Valley Avenue are available in the Planning Office as well as on the City's website. There is also a booklet offering a general overview of the CE District provisions citywide.

DEVELOPING THE BOUNDARY

At its work sessions and 2013 Retreat, the Planning Commission carefully studied the characteristics of the Berryville Avenue Corridor which includes: existing physical development, land use, zoning, and view sheds to determine the optimal extents of the district along this corridor. This process included a detailed review of the corridor at two of the Commission's monthly work sessions. Invitations to attend an informational meeting held at the Berryville Avenue Hampton Inn on July 15, 2013 were mailed out on June 27th to the owners of the affected parcels. Invitations were mailed out as well on July 10th to the businesses along the corridor. Approximately 24 attendees came out to review the exhibits during the 3-hour long open house that ran from 5-8pm. No property owners expressed opposition to the overlay district, but numerous comments were received regarding infrastructure improvements and traffic control efforts.

Generally speaking, the proposed CE overlay district is fairly shallow along the south side of Berryville Avenue except where the Eastgate Shopping Center (i.e. Gold's Gym, etc.) has a large expanse of parking between the road and the commercial buildings. Along the north side it generally extends back to the rear of the fronting commercial lots, although it includes the Berryville Square Shopping Center that has a separately platted parking lot parcel out front. Only the front portion of the Apple Valley Square Shopping Center parcel (i.e. where Long John Silvers and the shopping center sign is situated) is included in the district.

CITIZEN COMMENTS

During the July public information session, staff received a couple of inquiries, but nobody expressed either strong support or opposition to the specific overlay zoning request. Four citizens spoke at the Planning Commission public hearing held on August 20, 2013. One homeowner spoke in support of the benefits of CE zoning. Two inquired about what the zoning meant for homeowners. One expressed

unrelated concerns about crime in the area and speed of traffic on Berryville Ave. No Berryville Ave business owners spoke at the public hearing.

RECOMMENDATION

At its August 20, 2013 meeting, the Commission forwarded Rezoning **RZ-13-380** to City Council recommending approval because the request is consistent with the Comprehensive Plan and protects and promotes the aesthetic character and functionality of a major tourist access corridor leading into the designated local (HW) and National Historic Winchester District, and as such, represents good planning practice.

AN ORDINANCE TO REZONE APPROXIMATELY 41.5 ACRES OF LAND CONTAINING APPROXIMATELY 86 PARCELS, EITHER IN FULL OR IN PART, TO BE INCLUDED IN THE CORRIDOR ENHANCEMENT (CE) DISTRICT; SUBJECT PARCELS ARE ADJACENT TO, OR WITHIN 400 FEET OF, THE BERRYVILLE AVENUE RIGHT-OF-WAY. **RZ-13-380**

WHEREAS, the Planning Commission resolved at its July 16, 2013 meeting to initiate the rezoning of this land as a publicly sponsored rezoning; and,

WHEREAS, it is in the interest of the City to protect and promote the aesthetic character and functionality of major tourist access corridors leading into the local and national Historic districts; and,

WHEREAS, it is in the interest of the City to promote the general welfare of the community by attracting visitors and generating business through heritage tourism-based economic development and enhance the overall appearance of the City's corridors, while improving access along the corridors through increased walkability and interconnectivity; and,

WHEREAS, the Planning Commission has studied the existing physical development, land use, zoning, topography, and view sheds of the Berryville Avenue Corridor from Pleasant Valley Road to the Eastern City Limits and has identified properties along the Berryville Avenue Corridor from Pleasant Valley Road to the Eastern City Limits that are suitable for inclusion in the Corridor Enhancement District; and,

WHEREAS, the City held a Public Information Meeting on July 15, 2013, pertaining to the proposed Berryville Avenue CE District.

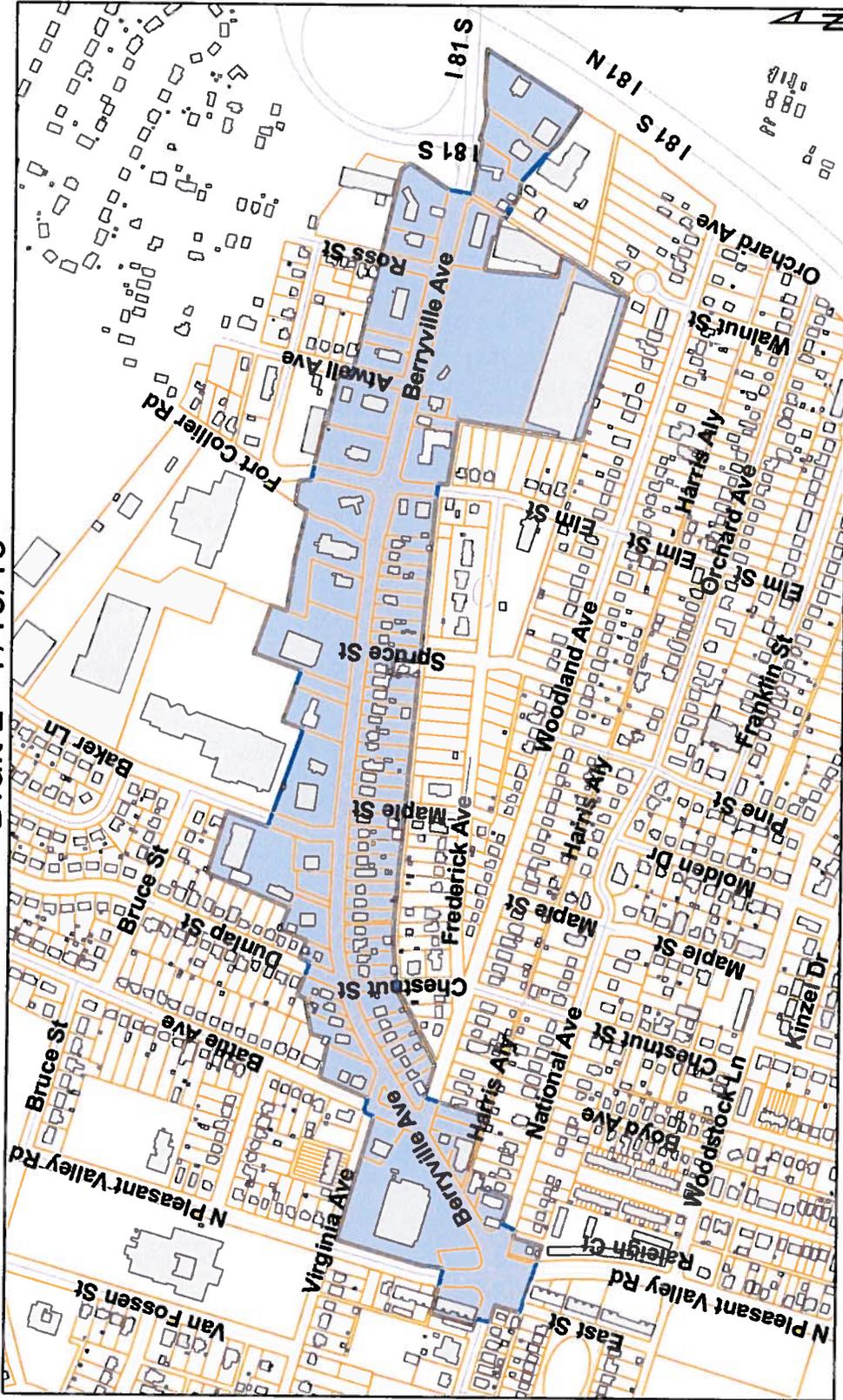
WHEREAS, the Planning Commission forwarded the request to Council on August 20, 2013 recommending approval of the rezoning as depicted on an exhibit entitled "*Proposed Berryville Ave CE District, Draft 2 - 7/16/13*" because the request is generally consistent with the Comprehensive Plan which calls for guiding the physical form of development along key tourist entry corridors leading into the City's core historic district by utilizing a combination of standards and guidelines ; and,

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

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Winchester, Virginia that the following land is hereby rezoned to establish Corridor Enhancement (CE) District:

APPROXIMATELY 41.5 ACRES OF LAND CONTAINING APPROXIMATELY 86 PARCELS, EITHER IN FULL OR IN PART, SUBJECT PARCELS BEING ADJACENT TO, OR WITHIN 400 FEET OF, THE BERRYVILLE AVENUE RIGHT-OF-WAY as depicted on an exhibit entitled "*Proposed Berryville Ave CE District, Draft 2 - 7/16/13*"

Proposed Berryville Ave CE District
Draft 2 - 7/16/13



0-2013-30

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 8/27/13 (work session), CUT OFF DATE: 8/21/13
9/10/13 (1st Reading) 10/8/13 (2nd reading)

RESOLUTION ___ ORDINANCE X PUBLIC HEARING X

ITEM TITLE:

RZ-13-292 AN ORDINANCE TO REZONE 1.295 ACRES OF LAND AT 1720 VALLEY AVENUE (Map Number 231-04-K-8A) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO B-2 DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) AND CE DISTRICT OVERLAY

STAFF RECOMMENDATION:

Approval as proffered

PUBLIC NOTICE AND HEARING:

Public hearing for 10/8/13 Council mtg

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval as proffered.

FUNDING DATA: N/A

INSURANCE: N/A

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

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

Initiating Department Director's Signature: (Planning) [Signature] 8/21/13



APPROVED AS TO FORM:

[Signature] 8/21/2013 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
From: Tim Youmans, Planning Director
Date: August 21, 2013
Re: **RZ-13-292** AN ORDINANCE TO REZONE 1.295 ACRES OF LAND AT 1720 VALLEY AVENUE (*Map Number 231-04-K-8A*) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO B-2 DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) AND CE DISTRICT OVERLAY

THE ISSUE:

Mr. Drew Scallan wishes to conditionally rezone 1.3 acres along the east side of Valley Avenue to B-2 with PUD overlay in order to construct up to 18 apartment units and between 4,567 and 8,049 square feet of commercial use in an existing building known as The Bottling Works (former Coca-Cola Building). The project is depicted on a required Development Plan and 8 proffers have been included in a binding Proffer Statement.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 1: Grow the Economy

Goal 4: Create a more liveable city for all

Vision 2028- Great neighborhoods with a range of housing choices

BACKGROUND:

See attached staff report

BUDGET IMPACT:

This mixed use including new high-quality multifamily development geared to empty nesters and young professionals will generate direct and indirect revenue and create more demand for commercial development.

OPTIONS:

- Approve rezoning as proposed
- Deny; leave existing B-2 in place.

RECOMMENDATIONS:

Planning Commission recommended approval as proffered.

Council Work Session
August 27, 2013

RZ-13-292 AN ORDINANCE TO REZONE 1.295 ACRES OF LAND AT 1720 VALLEY AVENUE (Map Number 231-04-K-8A) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO B-2 DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) AND CE DISTRICT OVERLAY

REQUEST DESCRIPTION

The request is to establish PUD zoning over the existing B-2 (CE) zoning on the Coca-Cola property along the east side of Valley Avenue. Proffers are included with this rezoning. The applicant is asking for approval of two development options. Option A would consist of 18 apartments and 5,678 square feet of commercial space. Option B would consist of 16 apartments and 8,049 square feet of commercial space. The existing ground floor office and some of the warehouse structure at 1720 Valley Avenue would be converted to retail use and the remainder of the structure (including newly created second story space) would be converted to apartment use known as 'The Bottling Works.' PUD allows for consideration of up to 18 residential units per acre; the proposal is for 16-18 apartment units on 1.295 acres.

The submitted Development Plan dated August 2, 2013 (updated on 8/20/13) depicts the existing structure and 45 on-site parking spaces as well as 14 parallel parking spaces within the adjoining public street rights of way along Roberts Street and Burton Street. Floor plans dated August 2, 2013 submitted as part of the revised application depict eight (8) two-story apartments in the northern warehouse addition, which today is a single-story high bay warehouse space. Four to six additional ground-floor apartments are depicted in the warehouse space to the rear of the proposed retail space and four (4) second story apartments are proposed above the retail space in the southwest part of the building.

AREA DESCRIPTION

The site has its main frontage of about 220 feet along Valley Ave, but it actually fronts on three public streets. It adjoins Burton Avenue for 193 feet to the north, a poorly defined public street within a 40-foot right of way between the Coca-Cola property and the adjoining paint store/apartment building to the north. The site also extends 237 feet along Roberts Street to the east.

The adjoining vacant property to the south at 1726 Valley Ave is zoned B-2 with Corridor Enhancement (CE) District overlay. A used car lot is situated further to the south at the corner of Valley Ave and Bellview Ave.



All of the other land bordering the rezoning tract to the south is zoned Medium Density Residential (MR). Use of the 5 MR lots is single-family detached. Land across Roberts St to the east is zoned High Density Residential (HR) and contains apartment use and single-family use. Land to the north across Burton Ave is zoned B-2 (CE) and contains mixed use consistent with what is proposed with the rezoning request. Land across Valley Ave to the west is zoned MR and contains single-family homes and a couple of apartments.

At 1.295 acres in size, the proposed PUD is considerably below the 5-acre minimum called out in Section 13-1-4.1 of the Zoning Ordinance. Staff advised the applicant to try to work with the owner of the mixed use development at 1650 Valley Ave immediately to the north across Burton Avenue. That property owner (Omni LC) considered the invitation, but subsequently declined. However, the Zoning Ordinance allows for the Planning Commission to recommend and City Council to approve a waiver of the 5-acre minimum when the applicant can show that strict adherence would produce unnecessary hardship and preclude development that is more compatible with the Comprehensive Plan than that which could be permitted without the PUD zoning.

STAFF COMMENTS

In a letter to the Planning Director dated May 31, 2013, Mr. J.A. Scallan, co-owner and applicant (1720 Valley Avenue LLC) explains the proposed rezoning and the proposed mixed use project. The August 2, 2013 version of the Development Plan (updated on 8/20/13) is titled "Conceptual Site Layout Plan, Rezoning Exhibit 'A' " The Project title is 'Proposed Commercial & Apartment Complex, Coca-Cola Plant Renovation'.

Comprehensive Plan Consistency

The comprehensive plan calls for Commerce Center/Corridor reuse incorporating New Urbanism while also protecting significant private architectural resources such as the Coca-Cola plant. In Chapter 4 – Economic Development & Appendices, the Coca-Cola plant is identified as a Key Site to improve/change by citizens participating in Comp Plan public input meetings. In general the Plan advocates the following:

Citywide Design Objective #1:

"Employ New Urbanism Principles in new development and redevelopment."

Citywide Design Objective #2:

"Protect significant public and private architectural and historic resources in the City."

Citywide Housing Objective #6:

"Promote decent affordable housing, particularly to serve targeted populations such as young professionals and retirees."

The proposed upscale industrial loft-styled apartments would serve these targeted populations. The site is also situated in close proximity to a transit stop on the Valley Avenue bus route.

Potential Impacts & Proffers

The applicant submitted voluntary proffers to mitigate potential impacts arising from the rezoning of the property to establish PUD overlay zoning. The Proffer Statement was last revised at the August 20th Planning Commission meeting. Generally, the impacts from this rezoning appear to be positive impacts. It is unlikely that the 16-18 units will create negative impacts in the form of school-aged children requiring public education.

Option A includes 13 two-bedroom units, 2 one-bedroom units with dens, and 3 one-bedroom units for a total of 18 units. Option B includes 12 two-bedroom units, 2 one-bedroom units with dens, and 2 one-bedroom units for a total of 16 units. The applicant notes that the industrial loft apartments will instead appeal to young professionals and empty-nesters.

The Planning Commission did not require a Fiscal Impact Analysis nor a Traffic Impact Analysis which are two studies that can be required by the Planning Commission for a PUD rezoning application per Sections 13-4-2.2k and l of the Zoning Ordinance.

Site Development and Buffering

Buffering has been provided to screen some of the first floor apartments in the building, including the 4 units on the Valley Avenue side of the north warehouse. The applicant is proposing some semi-private patios for two of the four of the apartments that face to the main parking lot at the Roberts St (east) end. Staff has suggested that private patios for all 4 units would be desirable to avoid having headlights shine into the ground floor bedroom windows. Screening has been depicted along the boundary in common with the MR zoned single-family lots along the north side of Bellview Ave to the southeast.

Recreation and Open Space

The applicant is not proposing any recreational amenities. Staff had suggested that the applicant consider providing additional private patios where possible. The applicant has reduced the amount of impervious asphalt and concrete coverage on the site since the proposed mixed use will require many fewer spaces than the previously proposed office use and the obsolete industrial use.

Storm water Management

Storm water management will need addressed, but can be handled during the time of site plan review.

Water & Sewer

Concerns about sewer backups were raised by nearby property owners during the July 16, 2013 Planning Commission public hearing. The City Engineer and Utilities officials investigated these concerns. The sanitary sewer issues are actually connected to a completely separate main than what the Coca-Cola building does and will continue to connect to and won't be affected by an increased sewer flows from that building. The main that serves the properties at 1638 – 1644 Roberts is a 4" cast iron main. City maintenance crews are aware of the issues and as a result, it gets cleaned quarterly. The 6" main in Roberts Street that Coca-Cola is connected to (on the back side of the building) gets routine root maintenance on a three-year cycle, but other than roots, there haven't been issues. The next root cleaning for that main will be in the next year.

Density

The applicant proposes a maximum of 5 one-bedroom units, and 13 two-bedroom units. PUD overlay allows for consideration of up to 18 dwelling units per acre, which in the case of 1.29 acres would translate to a maximum of 23 dwelling units. The applicant is proposing a maximum of 18 dwelling units. The actual project density comes out to 13.9 units per acre.

Project Phasing

The applicant has not indicated that there is any proposal to phase in the project as part of the PUD rezoning. It is likely, in the current economy, that some or all of the 5,678 to 8,049 square feet of retail (or other nonresidential use) will remain vacant longer than the apartment use.

Other Issues

Variances from the Board of Zoning Appeals will not need to be approved for the proposed commercial and residential use of the existing nonconforming structure so long as the PUD rezoning is approved by City Council. Variances were previously approved by the BZA for proposed medical and general office use. While the Development Plan does not include a statement detailing covenants, restrictions, and conditions pertaining to the use, maintenance and operation of common spaces, the Proffer Statement does include a proffer to that effect.

Design Quality

The applicant has submitted updated floor plans for this rezoning proposal, and there are proffers addressing design quality. The submitted typical floor plans depict the size and configuration of the various unit types and the location of the retail space. The floor plans show numerous skylights and window walls allowing for natural light into the otherwise windowless corridors and some windowless bedrooms.

Elevations have been provided to ensure that architectural integrity of the historic structure is preserved where applicable, especially on the Valley Avenue elevation. There are proffers ensuring adherence to the submitted elevations. The site is situated within the Valley Ave Corridor Enhancement (CE) District so all exterior modifications will be subject to review and approval of a CE Certificate of Appropriateness. The introduction of doors and windows and the removal of overhead doors will bring the building into greater compliance with the CE standards and guidelines. While building elevations and floor plans are not explicitly required for PUD applications, Section 13-4-2 of the WZO states that the Development Plan shall contain supplementary data for a particular development, as reasonably deemed necessary by the Planning Director.

RECOMMENDATION

Generally, staff feels that the proposal is consistent with many of the broader elements of the City's long-term vision to attract more young professionals and empty-nesters to the City. Staff feels that the use of the PUD provision for this 1.295-acre site is acceptable even though it is considerably less than five acres in size.

At its August 20, 2013 meeting, the Planning Commission forwarded Rezoning **RZ-13-292** to City Council recommending approval subject to the proffers in the Proffer Statement dated August 20, 2013 because the proposed B-2 (CE)(PUD) zoning, supports mixed use and the expansion of housing serving targeted populations as called out in the Comprehensive Plan. The recommendation is based upon adherence with the Development Plan titled Conceptual Site Layout Plan, Rezoning Exhibit 'A' dated August 2, 2013 (with revisions of August 20, 2013) .

The Planning Commission recommends that City Council approve a waiver of the 5-acre minimum per Section 13-1-4.1 of the Zoning Ordinance to allow a 1.295 acre PUD because the applicant has shown

that strict adherence would produce unnecessary hardship that would preclude development that is more compatible with the Comprehensive Plan than that which could be permitted without the PUD zoning.

1720 Valley Avenue LLC
2200 Wisconsin Avenue NW, Suite 100
Washington DC 20007

Planning Dept.
Rouss City Hall
15 North Cameron Street
Winchester VA 22601



May 31st 2013

To whom it may concern,

Please allow this letter to serve as a request to the City Council to allow a Planned Unit Development overlay for 1720 Valley Avenue in the City of Winchester. 1720 Valley Avenue LLC is the owner of the land and buildings that housed the former Coca Cola Bottling Works at that location.

The proposed plan for the Planned Unit Development consists of a retail space fronting on Valley Avenue of approximately 4,600 square feet and eighteen total apartments including 13 two bedroom two bath and 5 one bedroom one bath. The proposed apartments will be true "industrial loft style" units and will make the best possible use of the historic fabric of the existing building.

The plan also includes significant site improvement providing 60 on site parking spaces and 14 street parking spaces and extensive landscaping as part of the improved site plan.

To accomplish this mix of units we respectfully request a Planned Unit Development overlay for the site to allow residential apartments on the first floor and to increase the allowable density of apartments in B-2 zone to the maximum allowable in a PUD of 18 dwelling units per acre.

In line with the comprehensive plan for the City of Winchester this development will "respect the significant historic identity" of the building by maintaining the historically significant façade as a commercial space. Additionally this project will contribute to the comprehensive plan goal of making Winchester a "Community of Choice" by providing a unique residential experience that would appeal to a wide variety of potential renters including young professionals and retirees.

If approved, this plan will transform the existing historic structure into a vibrant exciting place that will contribute greatly not only to the major tourist artery of Valley Avenue but also to the stock of successful adaptive reuse projects in the City of Winchester.

Please feel free to contact our team should you have any further questions.

Yours faithfully,


Mr J. A. Scallan
info@scallanproperties.com
(202) 544-6500 (ext. 700)

The Bottling Works
RZ-13-292
REZONING REQUEST PROFFER
(Conditions for this rezoning request)

Tax Map Number: 231-04-K-8A

Owner: 1720 Valley Avenue LLC

Dated August 20, 2013

Property Information:

The undersigned applicant hereby proffers that in the event the Council of the City of Winchester approves the rezoning of 1.295 acres of land including existing buildings at 1720 valley Avenue from B-2 (Highway Commercial) to B-2 with a Planned Unit Development (PUD) overlay then the development and adaptive reuse of the existing buildings will be completed in conformity with the terms and conditions as set forth below, except to the extent that such terms and conditions may be subsequently revised by the applicant due to constraints and requirements of the Virginia Department of Historic Resources or the United States Department of the Interior. In the event that the rezoning is not granted these proffers shall be deemed withdrawn. These proffers shall be binding on the applicant and their legal successor and assigns.

Improvements

1. The property will be developed and landscaped substantially in conformance with the Development Plan, dated August 2, 2013/revised August 20, 2013 and the Building Plans, dated August 2, 2013. The site will be improved to include parking, storm water management and green space landscaping maintained by a landscape contractor. The Building Plans depict the style and character of the interior spaces.
2. The facades of the existing buildings will be developed substantially in conformance with the submitted Elevations, dated August 2, 2013, that depict the style and character of the design. The development will preserve the historic facades of the original 1940s Coke building while adding fenestration and other surface treatments to the more recent facades to improve their character. These improvements will make the newer facades more compatible with the historic Coke building and the new interior uses. The improvements on the facades include but may not be limited to stucco, glass entry systems, metallic panels, entry canopies and appropriate lighting.
3. The materials and methods used in the adaptive reuse of the existing building will conform to the rigorous standards and practices as described in the United States Secretary of the Interior's Rehabilitation Standards for Historic Buildings.

4. The maximum number of residential units shall be limited to 18. The units will be a mix of 1 bedroom and 2 bedroom units. There will be no 3 bedroom units.
5. The maximum amount of rentable commercial/retail space will be 8,049 Sq. Ft.
6. The residential apartments will be constructed to a high standard of finish and designed to express the industrial style of the building. The units will be loft like spaces with high open ceiling spaces, exposed steel framing, exposed concrete floors and industrial stairs.
7. The interior of the commercial/retail space will meet the standards of the Virginia Department of Historic Resources and the US Department of the Interior to qualify for their Historic Preservation Certification program and will reflect the industrial character of the building.
8. The residential and commercial/retails space will be operated under a set of rules and regulations developed by the Owner to ensure a safe, high quality environment for all tenants. These rules and regulations may be amended by the Owner from time to time at its sole discretion.

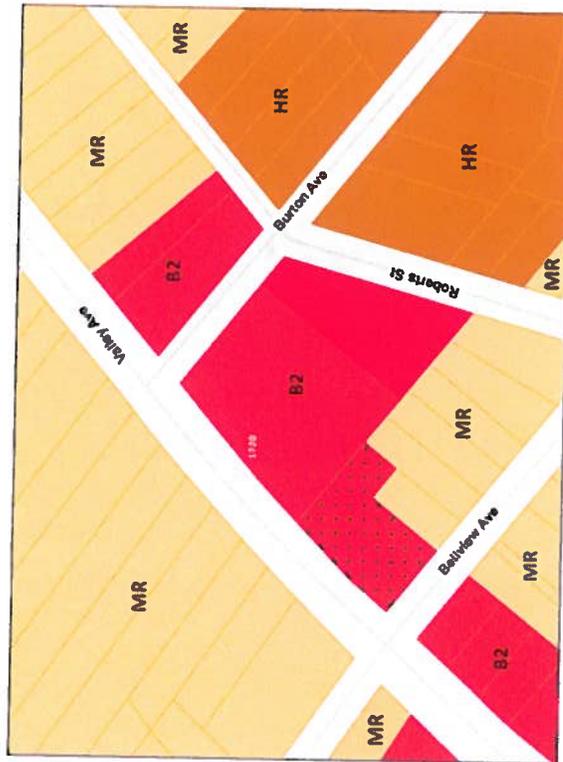
These proffers are offered in conjunction with the Development Plan, dated August 2, 2013/revised August 20, 2013, Building Plans and Building Elevations dated August 2, 2013. If the rezoning is approved by the City Council a full set of construction plans will be developed from these design documents and submitted for review and approval by the appropriate departments of the City of Winchester. If the plans are approved by the reviewing City departments these proffered conditions will apply to the rezoned land and existing buildings and be binding upon the applicant, their successors and assigns.

Applicant:

1720 Valley Avenue LLC
By Mr. John Eichberg
Managing Member

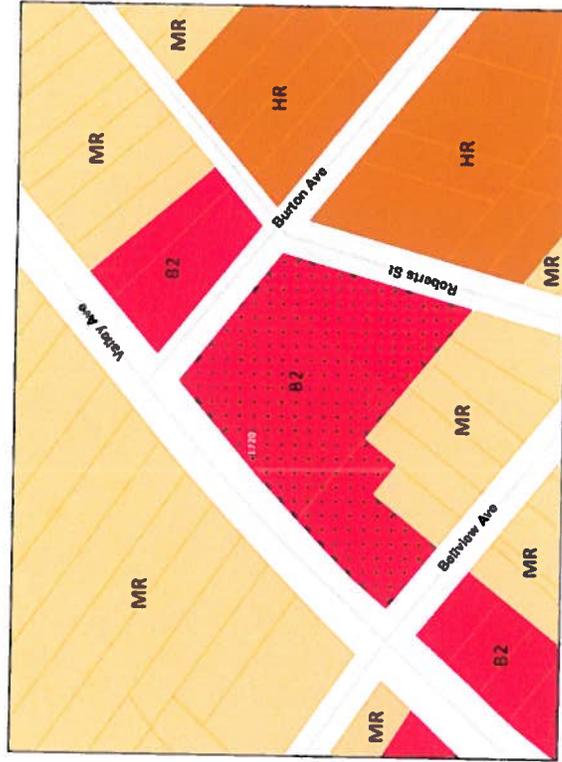
REZONING EXHIBIT RZ-13-292

PREPARED BY WINCHESTER PLANNING DEPARTMENT
AUGUST 20, 2013



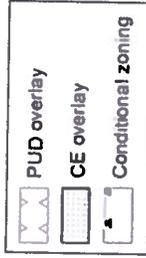
EXISTING

B-2 (part CE) ZONING FOR 1720 VALLEY AVENUE



PROPOSED

CONDITIONAL B-2 (PUD /part CE) ZONING FOR 1720 VALLEY AVENUE



CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 8/20/13 (work session), CUT OFF DATE: 8/14/13
9/10/13 (first reading) 10/8/13 (second reading/public hearing)

RESOLUTION __ ORDINANCE X PUBLIC HEARING X

ITEM TITLE:

TA-13-138 AN ORDINANCE TO AMEND AND REENACT ARTICLES 18, 21, 23, AND 14.2 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIGNS, VIOLATION AND PENALTY, FEES, AND CORRIDOR ENHANCEMENT. (Revision to temporary sign provisions and permit requirements)

STAFF RECOMMENDATION:

Approval.

PUBLIC NOTICE AND HEARING:

Public hearing on 10/8/13

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval.

FUNDING DATA: N/A

INSURANCE: N/A

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

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

Initiating Department Director's Signature: [Handwritten Signature] 8/14/13
(Zoning and Inspections)



APPROVED AS TO FORM: [Handwritten Signature] 8/14/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

AMB From: Aaron Grisdale, Director of Zoning and Inspections

Date: August 14, 2013

Re: O-2013-14, Zoning Text Amendment (TA-13-138) – Temporary Signs

THE ISSUE:

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

RELATIONSHIP TO STRATEGIC PLAN:

This text amendment correlates to the 2018 Goal #4 of "Create a More Livable City for All" as well as the policy agenda item of City Gateway Beautification for the major entrance corridors of the City.

BACKGROUND:

Council considered this item during their April 23rd work session, and held a public hearing on June 11, 2013. After hearing concerns from several local entities and businesses during the public hearing, staff held meetings with the Chamber of Commerce, Museum of the Shenandoah Valley, and other interested local businesses. As a result of these meetings and conversations, staff has prepared changes to the proposed text amendment to incorporate some of the concerns and recommendations of these groups.

In the first week of August, staff submitted the revised draft of the zoning text amendment to the Chamber of Commerce. The Chamber provided the updated proposed ordinance with changes to its members, who then provided feedback and comments to staff.

Staff believes that the updated ordinance coming before Council balances the input received from the local community as well as the steps to bring the City's Zoning Ordinance closer in line with the Council's Strategic Plan. (Full staff report attached).

BUDGET IMPACT:

No funding is required.

OPTIONS:

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

RECOMMENDATIONS:

Planning Commission and staff recommend approval.

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

REQUEST DESCRIPTION

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

STAFF COMMENTS

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

The major changes include:

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

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

As part of City Council's Strategic Plan, the "Vision 2028" includes the establishment of Winchester as "a Beautiful, Historic City and a Hometown for Families." Having clear sign standards is important for the creation of a beautiful City, by creating harmonious neighborhoods and proportional sign standards. Furthermore, the Winchester Comprehensive Plan calls for Winchester to be a "Community of Choice" and reducing sign clutter and improving the overall appearance of the community can contribute towards that goal.

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

UPDATE For Council Work Session 8/20/13:

City Staff has had discussions with several businesses and organizations including the Chamber of Commerce regarding this temporary sign ordinance. As a result of the concerns that were voiced during Council's public hearing as well as the questions and concerns brought up during these other discussions, staff has proposed a few revisions to this text amendment. Earlier in August, staff provided a copy of the updated zoning text amendment to the Chamber of Commerce to solicit comments and feedback from the revisions. Staff believes that this draft of the text amendment balances the input received from the local community as well as the steps needed to bring the City's Zoning Ordinance closer in line with Council's Strategic Plan. Specifically the changes include:

- A change to exempt government signs from the requirements of the sign ordinance; such signs include but are not limited to street signs, highway markers, and traffic control devices. (Section 18-8-2.4)
- Adding language to ensure that political campaign signs are only installed on private property with the consent of the property owner. (Section 18-8-12.2c)
- Adding language to special event signs to allow for them to be located on public property with approval of the City Manager or his designee. This was to ensure there is no conflict with special event signs that may be placed on the public right-of-way along the Loudoun Street Mall with special approval. (Section 18-8-12.2e)
- A change to signs for outdoor sales of merchandise to allow for a temporary sign for outside vendors and outdoor display of merchandise associated with a permit on the Loudoun Street Mall. (Section 18-8-12.2f)
- Allowing for a temporary "OPEN" business flag sign affixed to the building. Such signs may not exceed 15 square feet. (Section 18-8-12.2i)
- Adding language to allow for development banners to be affixed to poles inside of a commercial shopping center or medical campus, provided such signs do not exceed 6 square feet. (Section 18-8-12.2j)
- Adding clarifying language that incidental price or advertising signs, such as the small signs on the top of a fuel pump or a price sign on a vehicle or other merchandise does not require a sign permit. (Section 18-8-12.2k)
- A change to the allocation of portable signs on a property from one sign per street frontage to one sign per business; with the caveat that no more than two signs be located within 100-feet of each other within the limits of the development, similar to the current regulations for permanent directional signs. This change will allow greater flexibility on larger parcels that contain numerous business tenants. (Section 18-8-12.3c)
- Increasing the number of temporary sign permits that can be issued per year from three to four; and changing the allocation from permits per property, to permits per business/tenant. (Section 18-8-12.3)
- Adding a classification of signs for regional tourism destinations. This will allow for unique properties that serve as a regional draw for tourists, such as the Museum of Shenandoah Valley and the Winchester Frederick County Visitor Center, to display advertisements for special events/displays. (Section 18-8-12.3e)

- Clarifying the definition of a “Portable Price or Advertising Sign” to eliminate the inclusion of portable flag signs, since they are already prohibited elsewhere in the Ordinance. (Section 18-8-18.17)
- Clarifying the definition of “Temporary Sales Sign” for special temporary permitted sales events such as fireworks or Christmas tree sales; and clarifying that these signs do not include the temporary signs in the Primary and Secondary Assessment districts. (Section 18-8-18.19)
- Changing the proposed temporary sign permit fee from \$40 to \$25 per permit. (Section 23-8-12)

RECOMMENDATION

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

Current vs. Proposed Temporary Sign Regulations

Type of Sign	Current Max. Size	Proposed Max. Size	Current Max. Display Period	Max. Display Period	Current Max. # of Signs	Proposed Max #	Setback	Permit Required	Height	Special
Construction Signs	None	4 SF (resid.) / 16 SF (non-resid.)	None	Completion of Project	None	1 per Contractor	None	No	None	
Real Estate Signs	None	4 SF (resid. < 2 acres) / 8 SF (resid. >= 2 acres) & 12 SF (non-res. < 2 acres) / 32 SF (non-res >= 2 acres)	None	Completion of Sale / Rental / Lease	None	1 per frontage	None	No	None	
Political Campaign Signs	None	None	Removed NLT 14 days after event	Removed NLT 14 days after event	None	None	None	No	None	
Street Banners	None	None	14 days before/after event	14 days before/after event	None	None	N/A	Yes, City Council	None	
Civic/Fraternal/Charitable Event Sign	None	None	Removed NLT 5 days after event	Removed NLT 5 days after event	None	None	None	No	None	
Signs advertising storage of materials	None	None	None	None	None	None	None	No	None	Not visible from off-site
Yard Sale Sign	2 SF	4 SF	From 8:00a-6:00p day of sale	3 days prior, removed upon completion	One	One	None	No	None	

Current vs. Proposed Temporary Sign Regulations

Type of Sign	Current Max. Size	Proposed Max. Size	Current Max. Display Period	Max. Display Period	Current Max. # of Signs	Proposed Max #	Setback	Permit Required	Height	Special
Temporary Banner Advertising Signs	None	16 SF	10 days	10 days	None	1 per business/tenant	5 feet	Yes^	4 feet*	*Unless attached to building ^Max 4 sign permits/year per property
Temporary business identification	N/A	16 SF	N/A	45 days	N/A	1 per business/tenant	5 feet	Yes^	4 feet*	*Unless attached to building ^Max 4 sign permits/year per property
Portable Price/Advertising Sign	20 SF	16 SF	None	30 days (except for Downtown Assess. Districts)	1 per street frontage	1 per business/tenant*	5 feet	Yes^	4 feet	^Max 4 sign permits/year per property *Minimum 100 foot spacing between signs
Temporary Event Signs	N/A	12 SF	N/A	Duration of Event	None	2 per event	5 feet	Yes^	4 feet	^Max 4 sign permits/year per property
Non-commercial Sign	N/A	12 SF	N/A	None	N/A	1 per property (residential properties 1/res. Unit)	None	No	4 feet	Not affixed to wall, fence, structure, vehicle, or landscaping.

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

TA-13-138

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

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

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

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

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

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

TA-13-138

DRAFT 6 – 7/8/13

*Ed. Note: The following text represents excerpts of the Zoning Ordinance that are 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.*

WINCHESTER ZONING ORDINANCE

ARTICLE 18

SECTION 18-8. SIGNS.

- 18-8-1 INTENT. The intent of this Article is to establish limitations on signs in order to ~~ensure~~ insure that they are appropriate to the land, building, or use to which they are appurtenant and are adequate, but not excessive, for their intended purpose. Any widespread display of outdoor advertising is considered inappropriate to the character and sound development of the City, and it is intended by this Article that the streets and highways in the City shall not be made available for such display.
- 18-8-2 PERMIT REQUIRED. A sign permit shall be required before a sign is erected, altered, or relocated, except as otherwise provided herein.
- 18-8-2.1 Applications. Each application for such permit shall be accompanied by plans showing the area of the sign; the size, character, and design proposed; the method of illumination, method of fastening such sign; the name and address of the sign owner and of the sign erector. Fees for sign permits shall be in accordance with the schedule of fees for building permits as adopted by the City Council. A sign permit shall become null and void if the work for which the permit was issued has not been completed with a period of six (6) months after the date of issuance of the permit. **The Zoning Administrator shall promulgate an application form for applicants to comply with this subsection. A complete temporary sign permit application submitted to the Zoning Administrator shall be decided upon no later than ten (10) business days following submission.**
- 18-8-2.2 Permit Exceptions. A permit shall not be required for the following; but such signs shall be subject to any and all applicable provisions of this Ordinance:
- Any **permanent** sign four (4) square feet or less in area.
 - Repainting without changing wording, composition, or color, or minor nonstructural repairs.
 - Changing the wording ~~or face of~~ of a sign that was erected in accordance with the provisions of this Article.

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

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

18-8-2.4 **The requirements of this section shall not apply to any permanent or temporary signs issued or installed by the state, local government, any political subdivision thereof, or the employees or agents of such entities.**

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

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

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

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

18-8-12.2 **The following temporary signs may be installed by-right without a temporary sign permit, fee or Certificate of Appropriateness, provided the sign is installed in**

accordance with the size, location, and duration standards outlined in this section. No setback from property lines shall be required for any signs permitted in this section:

- a. ~~Construction Signs, which identify the architects, engineers, contractors and other individuals or firms involved with the construction. One sign per individual or firm involved with construction is permitted, and each sign shall not exceed four (4) square feet in area for a single family residential project and sixteen (16) square feet for any other project, and shall be removed immediately following the completion of the project.~~
- b. Real Estate Signs, advertising the sale, rental, or lease of the premises, or part of the premises on which the signs are displayed. Signs shall not exceed four (4) square feet in area on residential properties or sixteen (16) square feet for non-residential properties and shall be removed immediately after sale, lease or rental. One sign per street frontage is permitted. On properties two (2) acres or larger, residential signs may be up to twelve (12) square feet and non-residential signs may be up to a maximum of thirty-two (32) square feet.
- c. Political Campaign Signs, announcing the candidates seeking public political office and other data pertinent thereto. These signs shall be confined within private property, erected only with the consent of the owner of the private property, and removed within fourteen (14) days after the event for which they were made.
- d. Street Banners, advertising a public entertainment or event, if specifically approved by the City Council and only for locations designated by the City Council, during and for fourteen (14) days before and after the event for which they were made.
- e. Signs advertising only the name, time and place of any bona fide fair, carnival, festival, bazaar, horse show, or similar event, when conducted by a public agency or for the benefit of any civic, fraternal, religious, or charitable cause: provided that all such signs shall be removed within five (5) days after the last day of the event to which they pertain. Such signs may be installed in the public right-of-way only upon approval by the City Manager or his designee.
- ~~f.~~ Signs advertising storage of materials and supplies or display of merchandise for sale or rent shall be permitted but shall not be visible from off-site, except for one temporary sign up to twelve (12) square feet may be used as part of an outdoor vendor or outdoor display of merchandise permit as provided for in Section 18-7 of this Ordinance. (10/17/95, Case TA-95-04, Ord. No. 053-95)
- ~~g.~~ Signs advertising an on-site yard sale. One such sign may be placed upon the property for which the yard sale is taking place and may be up to a maximum of eight (8) square feet. Such signs may be placed on site three (3) days before the sale, and must be removed upon completion of the sale.

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- h. Non-commercial Signs. One such sign may be placed upon a property. If a residential property contains more than one unit, one sign per residential unit is permitted. Such signs shall not exceed twelve (12) square feet, have a height of not greater than four (4) feet, and must be freestanding and not affixed to a wall, fence, structure, vehicle, or landscaping.
- i. Open Business Sign. One such flag sign not to exceed fifteen (15) square feet may be affixed to the building that bears the word "OPEN" or other words depicting the nature of the business. Should the flag contain any corporate logo or text, the sign will not meet this definition. Such signs may only be on display during the operational hours of the business.
- j. Development Banner. Banners identifying the name or simple announcement of a commercial center, medical campus, or similar development, provided that such signs do not exceed six (6) square feet and are securely affixed to a building or pole on private property.
- k. Incidental Price and Advertising Signs, any temporary advertising sign less than two (2) square feet in area. One such sign may be affixed to the product being advertised. For service establishments, a maximum of one sign may be affixed to a gasoline or petroleum fuel pump.

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18-8-12.3

The following temporary signs shall require approval of a temporary sign permit and payment of applicable fee per Section 23-8 of this Ordinance prior to placement on a property. No more than four temporary sign permits shall be issued per tenant during a twelve (12) month period, provided that no more than two such signs are located within 100-feet of each other on the same parcel:

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

Deleted: Signs advertising grand openings, special sales or similar promotional events
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d. Temporary sales signs, provided that no more than two (2) such signs are on display, with each sign being no larger than twelve (12) square feet and having a height of no more than four (4) feet. Such signs shall be on display for no longer than the approved temporary event.

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e. Regional Tourism Signs. Two signs may be placed on properties containing a regional tourism destination for the purpose of making public announcements, advertising special exhibits, events, or similar advertisements. Such signs shall be exempt from the requirements of Article 14.2, and each sign may be on display no longer than thirty (30) days and no larger than twenty-five (25) square feet. For the purposes of this section a regional tourism destination shall mean a property larger than three (3) acres that routinely provides information and/or exhibits for tourists and the general public.

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~~18-8-12.2~~ **18-8-12.4**

Permanent Signs.

- a. Directional Signs, as defined, provided each sign does not exceed ten (10) square feet in area nor four (4) feet in height. No more ~~that~~ than two (2) signs shall be permitted within one hundred (100) feet of each other within the limits of the development except signs required by a public authority for recognized traffic management needs. For commercial centers greater than fifty thousand square feet in floor area and Higher Education (HE-1) District uses, additional directional freestanding signs not exceeding thirty (30) square feet in area and six (6) feet in height shall be permitted within off-street parking areas when such signs provide directional assistance for multiple destinations. For Medical Center (MC) District uses, additional directional freestanding signs not exceeding seventy two (72) square feet in area and ten (10) feet in height shall be permitted within off-street parking areas when such signs provide directional assistance for multiple destinations. A sign permit shall be required. Such additional signs shall be limited to a single unifying logo representative of the development and text on a solid color background and shall be oriented so as to limit primary viewing to persons already on site and not to persons traveling on public and/or private streets provided in lieu of public streets. (1/9/97, Case TA-97-11, Ord. No. 034-097; 6/9/98, TA-98-02, Ord. No 016-98; 9-9-08 Case TA-08-06, Ord. No. 2008-39)
- b. Wall or freestanding signs, not exceeding a total of fifty (50) square feet in area nor eight (8) feet in height and not internally illuminated, for the identification of a subdivision or Planned Development or one freestanding sign not exceeding fifty (50) square feet in area nor eight (8) feet in height and not internally illuminated for the identification of an apartment complex containing at least 50 apartment units and covering at least three (3) acres of ground, if located at an entrance to said subdivision, Planned Development or apartment complex. If a said apartment complex fronts upon more than one public street, then one additional freestanding identification sign not exceeding twenty-five (25) square feet in area shall be

allowed at a separate entrance. (3/11/97, Case TA-96-08, Ord. No. 007-97; 9/11/01, Case No. TA-01-02, Ord. No. 029-2001)

- c. Names of buildings, dates of erection, monumental citations, commemorative tablets, and the like when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.
- d. Institutional signs setting forth the name or any simple announcement for any public, charitable, educational, or religious institute, located entirely within the premises of that institution. Freestanding signs shall not exceed twenty-five (25) square feet in area.
- e. Signs painted on or hung behind windows.
- f. Menu boards shall be permitted in the B-1, B-2, CM-1, M-1, and PC districts for drive-through establishments provided such signs shall be designed and oriented so as to limit primary viewing to persons using drive through facilities and menus shall be displayed only on the drive through standing space side. (3/8/94, Case TA-93-09, Ord. No. 005-94)
- g. Community Signs, after a finding that such signs are consistent with the provisions of Sections 18-2-1.1a and b of this Ordinance. The intent of this section is to permit a limited number of signs at the entryways to the community where multiple noncommercial messages are presented in a planned, orderly manner. Such signs shall not exceed 15 feet in height nor 150 square feet in sign area. No signs permitted under this section shall be more than 1,500 feet from the nearest exit ramp and no two signs shall be within 500 feet of each other. A sign permit shall be required. (10/8/96, Case TA-96-06, Ord. No. 026-96)

18-8-13 SIGNS PROHIBITED IN ALL DISTRICTS. The following types of signs are prohibited in all districts:

18-8-13.1 Any sign that obscures a sign display by a public authority for the purpose of giving traffic instructions or directions or other public information.

18-8-13.2 Any sign within the triangular area at the street corner of a corner lot described in Section 18-12 of this Ordinance.

18-8-13.3 Any sign that consists of strings of light bulbs or illumination devices such as LEDs.

18-8-13.4 Any sign or device, other than pennants or banners whether or not any such device has written message content, of which all or any part is in motion by any means, including fluttering, rotating, or other moving signs set in motion by movement of the atmosphere, including but not limited to pennants, propellers, discs, and similar devices. This shall not apply to the hand of a clock or a weather vane, flags of a national, state or local government, or signs in Section 18-8-12.2i.

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

18-8-13.6 Outdoor advertising signs.

- 18-8-13.7 Moored balloons, inflatable signs, or other floating signs that are tethered to the ground.
- 18-8-13.8 Any sign with a minimum clearance of less than eight (8) feet above a walkway or sidewalk or less than fifteen (15) feet above a driveway or alley. (7/10/90, Case TA-90-04, Ord. No. 026-90)
- 18-8-14 ILLUMINATION.
- 18-8-14.1 The light from any illuminated sign shall not cause direct glare into or upon any building or property owner other than the building or property to which the sign may be related.
- 18-8-14.2 No sign shall display flashing or intermittent lights, or other lights of changing degrees of intensity, brightness or color, except a sign indicating time or temperature, with changes alternating on not less than five (5) second cycle when such time or temperature sign does not constitute a public hazard, in the judgment of the Zoning Administrator.
- 18-8-14.3 Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- 18-8-14.4 Signs for developments in the Highway Commercial, B-2 District that include multifamily units, per Section 8-2-20, shall not utilize any internal illumination. External illumination, if any, shall be provided in a down-cast manner or shielded to prevent direct lighting of windows in multifamily units. (9/13/05, Case TA-05-02, Ord. No. 025-2005)
- 18-8-14.4 Electronic Message Board Signs shall not change message with a greater frequency than once every sixty (60) seconds in order to prevent traffic hazards to operators of motor vehicles on public thoroughfares, with exception of time or temperature changes per Section 18-8-14.2.**
- 18-8-18 DEFINITIONS.
- 18-8-18.1 Area of Sign. The entire area within a circle, triangle, parallelogram, or trapezoids including the extreme limits of writing, reproduction, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. On double-faced signs, only one (1) display face shall be measured in computing total sign area where sign faces are parallel and are at no point more than two (2) feet from one another.
- 18-8-18.2 Maintenance. The replacing or repairing of a part or portion of a sign made unusable by ordinary wear, tear, or damage beyond the control of the owner or the reprinting of existing copy without changing the wording.
- 18-8-18.3 Outdoor Advertising Sign. A freestanding or building mounted sign bearing a message which is not appurtenant to the use of the property where the sign is located, and which does not identify the place of business where the sign is located as the purveyor of merchandise or services upon the sign, except signs permitted

off-premises for Commercial Centers, as defined and except for directional signs per Section 18-8-18.11. Such signs may also be referred to as billboards or poster panels. (1/9/97, Case TA-97-11, Ord. No. 034-097)

- 18-8-18.4 Projecting Signs. A sign attached to and perpendicular to the building wall.
- 18-8-18.5 Sign. Any structure, display device, or representation which is designed or used to advertise or call attention to any thing, person, business, activity, or place and painted, printed, constructed, and displayed in any manner whatsoever out of doors for recognized advertising purposes. However, this shall not include any official court or public notices nor the flag, emblem, or insignia of a government, school, or religious group when displayed for official purposes.
- 18-8-18.6 Temporary Sign. A banner, ~~pennant~~, poster, or advertising display constructed of cloth, plastic sheet, cardboard, wallboard, or other like materials, intended to be displayed for a limited period of time, and not permanently attached to a building, ~~or the ground, or other structure~~. **Only temporary signs provided in Section 18-8-12.2 may be constructed utilizing wood materials and may be securely affixed to the ground to prevent being set in motion by the atmosphere.**
- 18-8-18.7 Wall Sign. A sign affixed directly to or painted on or otherwise inscribed on an exterior wall or parapet and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.
- 18-8-18.8 Roof Line. Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette. Where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on which the sign is located. (3/8/94, Case TA-93-09, Ord. No. 005-94)
- 18-8-18.9 Roof Sign. A sign erected on the roof of a building. Roof signs shall not project above the roof line. (3/8/94, Case TA-93-09, Ord. No. 005-94)
- 18-8-18.10 Community Sign. A sign identifying the community and/or recognized historic and/or cultural resources therein provided such signs are situated within or visible from major tourism corridors directly connecting from limited access highways. Signs may include uniformly sized and shaped emblems, logos, insignias or simple nameplates of any civic, fraternal, charitable or religious organization based in the community. (10/8/96, Case TA-96-06, Ord. No. 026-96)
- 18-8-18.11 Directional Sign. A wall or freestanding sign in or primarily oriented toward a parking lot to identify entrances, exits, and divisions of the lot into sections, and to control vehicular and pedestrian traffic in the lot. In cases where a property owner agrees to close an existing driveway connecting directly to a street to permit shared access per Section 18-6-3.6 of this Ordinance or where an off-premises entrance from the public street in lieu of a direct connection is recommended by a public authority, one (1) off-premises directional sign bearing the name or simple logo of the commercial activity shall be permitted at the connection to the street. (1/9/97, Case TA-97-11, Ord. No. 034-097)

18-8-18.12 **Inflatable Sign. A sign capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event.**

18-8-18.13 **Monument Sign. A freestanding sign permanently installed on the property. The base of a monument sign is as wide as or wider than the main sign face. A monument sign is built on-grade in such a manner that the sign and the structure are an integral part of one another.**

18-8-18.14 **Electronic message board sign. A sign displaying characters or images that move or change, caused by any method other than physically removing and replacing the sign or its components. This includes a display that incorporates technology to allow the sign face to change the image, such as any display that incorporates LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.**

18-8-18.15 **Construction Sign. A sign depicting the name or logo of a contractor, engineer, architect, or other individual or business that is involved with a construction, renovation, or demolition project.**

18-8-18.16 **Real Estate Sign. A sign advertising the sale, lease, or rent of the property upon which the sign is located.**

18-8-18.17 **Portable Price or Advertising Sign. A sign that is not permanently affixed to the ground, building or a structure, designed to be on display for a limited period of time. Such signs include sandwich board signs, moveable chalkboard signs, and other signs of a similar nature. These signs shall not include any signs provided under Section 18-8-12.2.**

Deleted: portable flag signs

18-8-18.18 **Yard Sale Sign. A sign advertising a yard sale, garage sale, estate auction, or similar private sale of personal property and located upon the property where such sale is occurring.**

18-8-18.19 **Temporary Sales Sign. A temporary sign advertising a temporary sales event as permitted by the Administrator, such as Christmas trees, fireworks, or similar sales event placed upon the property where such event is occurring. Such signs shall not include portable signs permitted in the Primary or Secondary Assessment districts, nor events sponsored by the Old Town Development Board or City of Winchester.**

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18-8-18.20 **Non-commercial Sign. A sign utilized for a non-commercial purpose. Such signs shall not include real estate, construction, or yard sale signs.**

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

- 18-19-5 A yard sale shall be considered a permitted home occupation, subject to the following:
- 18-19-5.2 Each yard sale may be held a maximum of two consecutive days, and only during the hours of 8:00 a.m. to 6:00 p.m. ~~One two (2) square foot on premises sign advertising the yard sale may be displayed during the hours of 8:00 a.m. to 6:00 p.m. on the day(s) of the sale.~~ (3/8/94, Case TA-94-01, Ord. No. 006-94)

**ARTICLE 21
VIOLATION AND PENALTY**

21-2-2 The appeal period for violations of this Ordinance pertaining to the following uses shall be ten (10) days, pursuant to §15.2-2286:

- a. Any violation of Sections 18-8-12.1 through 18-8-12.3, pertaining to temporary signs.
- b. Any violation of Sections 18-9-5 through 18-9-5.4, pertaining to yard sales.
- c. Any violation of Section 18-12, pertaining to visual obstructions.
- d. Any violation of Section 18-17, pertaining to mobile storage units and temporary events.

Deleted: <#>Any violation of Section 18-6-10.1, pertaining to inoperable vehicles.¶

Deleted: <#>Any violation of Section 18-13, pertaining to drainage.¶
<#>Any violation of Section 18-15, pertaining to right-of-way encroachments.¶

SECTION 23-8. FEES. (10/13/99, Case TA-99-04, Ord. No. 029-99; 10/9/02, Case TA-02-07, Ord. No. 024-2002)

- 23-8-12 Portable and temporary sign or sign when no building permit is required (12/13/94, Case TA-94-10, Ord. No. 029-94) (10/8/02, Case TA-02-07, Ord. No. 024-2002)

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**ARTICLE 14.2
CORRIDOR ENHANCEMENT DISTRICT – CE**

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

14.2-6.6 Signs

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

14.2-7 BERRYVILLE AVENUE AND VALLEY AVENUE CORRIDORS

14.2-7.6 Signs

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

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

Signs

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

14.2-9 NATIONAL AVENUE CORRIDOR

Signs

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

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: August 27, 2013 **CUT OFF DATE:** 08/21/13

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

ITEM TITLE: Discussion of creating a taskforce to assist with sustainability issues

STAFF RECOMMENDATION: Provide direction to staff

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

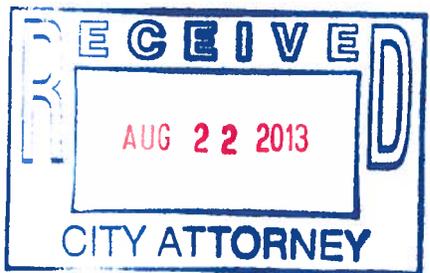
FUNDING DATA: N/A

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		_____	8/22/13
6. City Manager		_____	8-22-13
7. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature:  08/21/2013
Date



CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Doug Hewett, Assistant City Manager

Date: August 27, 2013

Re: Ordinance creating an Environmental Sustainability Taskforce assuming some of the duties of the to be disbanded 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 a 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 convened under the Parks and Recreation Advisory Board on an as-needed-basis if there were significant issues or questions that required more study in areas that would have been previously handled by either the Tree Commission or the Natural Resources 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. This new board, tentatively termed the Environmental Sustainability Taskforce would have the following duties

- 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.
- 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 has been created for City Council action.

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 a Green Team Taskforce with duties as described above.
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

COMMON COUNCIL



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

I, Kari J. Van Diest, Deputy Clerk of the Common Council, hereby certify on this 18th day of June, 2013, that the following Ordinance 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 11th day of June 2013.

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

WHEREAS, on June 11, 2013, Common Council approved an ordinance (O-2013-15) adopting a Memorandum concerning a proposal to improve the functioning and processes associated with the appointment and operations of Council Appointed Boards and Commissions (Exhibit A); and,

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

WHEREAS, said Ordinance was amended and adopted by Common Council with the exclusion of the provisions related to the elimination of the Tree Commission and NRAB; and,

WHEREAS, further discussions were held between the City Manager and the Vice Mayor and the Vice President of Council concerning the implementation of provisions of the Memorandum pertaining to the Tree Commission and NRAB; and,

WHEREAS, on August 20, 2013 the City Manager presented the concept of combining some of the duties assigned to the Tree Commission and the Natural Resources Advisory Board, along with additional duties, into a new City Council appointed Environmental Sustainability Committee (Exhibit B); and

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

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

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

NOW, THEREFORE BE IT ORDAINED, that Ordinance No.: 2007-23 is hereby rescinded and the Natural Resources Advisory Board is hereby dissolved and any needs of Common Council previously fulfilled the Natural Resources Advisory Boards shall be directed to the Environmental Sustainability Committee; and

BE IT FURTHER ORDAINED that Chapter 30 of the Winchester City Code is hereby amended and readopted as follows:

Ordinance No. _____

ADOPTED by the Common Council of the City of Winchester on the 8th 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*

**Proposed revisions to Chapter 30 to be provided
and discussed at the Work Session.**



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 Website: www.winchesterva.gov

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

MEMORADUM

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

1. Composition/Operations

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

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

EXHIBIT A

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

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

The recommended process would be as follows:

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

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

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

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

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

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

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

2. Training / Orientation

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

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

3. Code of Ethics

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

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

7.16 Code of Ethics

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

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

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

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

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

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

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

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

CONCLUSION

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

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

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

Respectfully Submitted:


John Willingham, Vice President


Milt McInturff, Vice Mayor

Environmental Sustainability Committee

Overview: 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 convened under the Parks and Recreation Advisory Board on an as-needed-basis if there were significant issues or questions that required more study in areas that would have been previously handled by either the Tree Commission or the Natural Resources 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. This new board, tentatively termed the Environmental Sustainability Committee, would have the following duties below.

Duties:

- 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.
- 3) Study and make recommendations for ways to generate green vehicle and travel solutions for City personnel and departments.
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- 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.

Board Composition: The Committee would consist of 7 Members, with 4-year staggered terms. Initially, 4 members would be appointed to serve two-year terms and 3 members would be appointed to serve four-year terms. Members would be appointed, reappointed, serve, and possibly be removed consistent with City Council policy.

Meeting Frequency: Monthly

Staff Liaison: To be Assigned by the City Manager