

**City Council Work Session**  
**Tuesday, September 17, 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-2013-45:** Resolution – Authorization to initiate an ordinance to amend and re-enact Articles 3, 4, 5, 5.1, 6, 7, 8, 9, 13 and 18 of the Winchester Zoning Ordinance pertaining to home occupations permitted in accessory structures with a Conditional Use Permit (*Allows home businesses to operate out of a garage or similar detached structure*) – Aaron Grisdale, Director of Zoning & Inspections (pages 3-10)
- 3.2 R-2013-47:** Resolution – Authorization to execute a Memorandum of Understanding between the City of Winchester and Shenandoah University to use to guide programs and projects designed to improve the local quality of life – Dale Iman, City Manager (pages 11-18)
- 3.3 O-2013-32:** AN ORDINANCE TO AUTHORZE THE ACQUISITION OF PROPERTIES NECESSARY FOR THE MONTICELLO STREET EXTENSION PROJECT BY MEANS INCLUDING BUT NOT LIMITED TO CONDEMNATION AND ACCEPTANCE BY THE CITY OF SAID PROPERTIES (*Acquisition of properties for the construction of a bridge over the railroad and extension of Monticello Street*)– Jim Deskins, Economic Development Director (pages 19-47)
- 3.4 R-2013-46:** Resolution – Authorization to apply and accept funding through the State Homeland Security Program 2013 Communications Equipment Grant – Lynn Miller, Emergency Management Coordinator (pages 48-67)
- 3.5 R-2013-44:** Resolution – Recognition of Nayshon Cook for the brave, calm and caring manner displayed while getting medical assistance for another – Kevin Sanzenbacher, Chief of Police (pages 68-70)
- 3.6 Additional Information on O-2013-16:** AN ORDINANCE TO CREATE CITY CODE SECTION 14-15 – PHOTO MONITORING SYSTEMS TO

ENFORCE TRAFFIC LIGHT SIGNALS (*Installation of red-light cameras at two intersections*) – Kevin Sanzenbacher, Chief of Police (pages 71-86)

**4.0 Liaison Reports**

**5.0 Monthly Reports**

5.1 Police Department (page 87)

**6.0 Adjourn**

B-2013-45

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

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

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

ITEM TITLE:

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

STAFF RECOMMENDATION:

Initiation.

PUBLIC NOTICE AND HEARING:

No public hearing required.

ADVISORY BOARD RECOMMENDATION:

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

FUNDING DATA: N/A

INSURANCE: N/A

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Planning	<i>[Signature]</i>		9/9/13
2. City Attorney	<i>[Signature]</i>		9/10/2013
3. City Manager	<i>[Signature]</i>		9-11-13
4. Clerk of Council			

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



APPROVED AS TO FORM:

*[Signature]* 9/10/2013  
CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

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

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## **THE ISSUE:**

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

## **RELATIONSHIP TO STRATEGIC PLAN:**

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

## **BACKGROUND:**

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

## **BUDGET IMPACT:**

No funding is required.

## **OPTIONS:**

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

## **RECOMMENDATIONS:**

The Director of Zoning and Inspections recommends initiation.

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

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**REQUEST DESCRIPTION**

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

**STAFF COMMENTS**

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

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

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

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

**RECOMMENDATION**

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

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

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

**TA-13-493**

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

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

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

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

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

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

**TA-13-493**

Draft 1 – 09/09/13

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

**ARTICLE 3**

**LOW DENSITY RESIDENTIAL DISTRICT – LR**

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

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

**ARTICLE 4**

**MEDIUM DENSITY RESIDENTIAL DISTRICT – MR**

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

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

**ARTICLE 5**

**HIGH DENSITY RESIDENTIAL DISTRICT - HR**

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

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

**ARTICLE 5.1**

**LIMITED HIGH DENSITY RESIDENTIAL DISTRICT - HR-1**

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

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

**ARTICLE 6**

**RESIDENTIAL OFFICE DISTRICT - RO-1**

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

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

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

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

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

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

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

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

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

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

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

**ARTICLE 13  
PLANNED DEVELOPMENT**

**13-3.17**      **USES PERMITTED WITH A CONDITIONAL USE PERMIT.**  
**a. Home occupations in accordance with Section 18-19-2.6.**

**ARTICLE 18  
GENERAL PROVISIONS**

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

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

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

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

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

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

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

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

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

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

# CITY OF WINCHESTER, VIRGINIA

## PROPOSED CITY COUNCIL AGENDA ITEM

**CITY COUNCIL/COMMITTEE MEETING OF:** Sept. 17, 2013    **CUT OFF DATE:** Sept. 10, 2013

RESOLUTION   x      ORDINANCE        PUBLIC HEARING    

**ITEM TITLE:** Resolution adopting a Memorandum of Understanding between the City of Winchester and Shenandoah University.

**STAFF RECOMMENDATION:** Adopt the resolution creating a formal MOU to use to guide programs and projects designed to improve the local quality of life.

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

**ADVISORY BOARD RECOMMENDATION:** N/A

**FUNDING DATA:** The MOU would supplement the Strategic Plan and serve as a guide in developing the FY2015 Budget.

**INSURANCE:** N/A

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney	<i>[Signature]</i>	_____	<i>9/12/2013</i>
6. City Manager	<i>[Signature]</i>	_____	<i>9-11-13</i>
7. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: *[Signature]*      Date: *9-11-13*



APPROVED AS TO FORM:

*[Signature]*      *9/12/2013*  
CITY ATTORNEY

*A 566 Recommendation  
Revision to (B)*

# CITY COUNCIL ACTION MEMO

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

**From:** Dale Iman, City Manager

**Date:** 9-17-2013

**Re:** Resolution adopting a Memorandum of Understanding between the City of Winchester and Shenandoah University

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## **THE ISSUE:**

It is the desire of City Council and Shenandoah University to establish a Memorandum of Understanding (MOU) to guide the advancement of programs and projects of mutual interest which are designed to promote economic development and improve the quality of life of our stakeholders.

## **RELATIONSHIP TO STRATEGIC PLAN:**

Goal 1– Grow the Economy

Goal 3- Continue the Revitalization Of Historic Old Town

Goal 4- Create A More Livable City For All

## **BACKGROUND:**

On May 29<sup>th</sup> 2013 Council President Willingham, Shenandoah University President Fitzsimmons, Shenandoah Vice President Moore, and City Manager Iman met to discuss potential projects and programs in which the two parties shared mutual interest and which would contribute to the improvement of the local economy and quality of life. A list of potential initiatives was developed and the parties agreed that V.P. Moore and Mr. Iman would refine the list and prepare a MOU for consideration by the City Council and University officials. The attached memorandum of understanding includes the programs and projects identified for consideration.

## **BUDGET IMPACT:**

The adoption of the attached MOU will supplement the “Strategic Plan” adopted by the City Council and serve as a guide in the development of the FY 2015 budget for the City of Winchester. It is anticipated that funding for capital improvements included in the MOU will be funded in part by resources developed for both the City and University.

## **OPTIONS:**

1. Adopt the attached resolution and MOU.
2. Make changes and/or additions to the proposed MOU.
3. Do not adopt the MOU.

**RECOMMENDATIONS:**

It is recommended that Council adopt the attached resolution creating a formal MOU for Council and Shenandoah University to use to guide programs and projects designed to improve the local economy and quality of life for their stakeholders.

# COMMON COUNCIL



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

## **A RESOLUTION ADOPTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WINCHESTER AND SHENANDOAH UNIVERSITY TO GUIDE THE ADVANCEMENT OF PROGRAMS AND PROJECTS OF MUTUAL INTEREST**

**WHEREAS**, the City of Winchester has a comprehensive Strategic Plan that has the stated goals of “Grow the Economy” and “Create a More Livable City For All,” and

**WHEREAS**, the City of Winchester is also home to Shenandoah University, a proven community partner, whose strategic plan also focuses on strengthening our local community in furtherance of the University’s goals, and

**WHEREAS**, on May 29<sup>th</sup> 2013 Winchester City Council President John Willingham, Shenandoah University President Tracy Fitzsimmons, Shenandoah Vice President Mitch Moore, and City Manager Dale Iman met to discuss potential projects and programs in which the two parties shared mutual interest, and

**WHEREAS**, these projects and programs were determined to contribute to the improvement of the local economy and quality of life, and

**WHEREAS**, a list of potential initiatives was developed and the parties agreed that an effort to ensure the initiatives are fully supported by both the City of Winchester and Shenandoah University, and

**NOW, THEREFORE BE IT RESOLVED**, that the attached Memorandum of Understanding is hereby adopted by the Winchester Common Council with the direction to the City Manager to do all things necessary to support this agreement fully and provide this body with ongoing updates on the same.

**RESOLUTION No.** \_\_\_\_\_

## **DRAFT**

### **MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF WINCHESTER AND SHENANDOAH UNIVERSITY**

**PURPOSE:** Shenandoah University (SU) and The City of Winchester (CW) intend to collaborate in order to promote economic development and improve the quality of life of their stakeholders.

The parties will endeavor to work on the following projects:

- Continue improvements along the Route 50 corridor known as the “eastern gateway” into CW while providing a defined attractive perimeter for SU’s campus.
- Renovate and explore programming of the McCormac Amphitheater.
- Improve athletic facilities including, but not limited to, the facilities in Jim Barnett Park.
- Explore additional student housing, classrooms, and/or performance spaces in the historic downtown area.
- Explore opportunities for partnership in career training, especially within the healthcare field.
- Explore other options related to Winchester’s economic development and strategic growth of Shenandoah University.

**RESPONSIBILITIES OF THE PARTIES:** The parties agree on the following intentions:

- SU agrees to work with CW to provide students and programs – residential, academic, and performing – that will increase economic development and growth.
- CW agrees to work with SU to create opportunities for improved student life and economic development in the downtown area and in the area surrounding SU.
- If a project has shared costs, the project will receive prior approval from both entities.

**RECOMMENDED REVISION TO SHENANDOAH UNIVERSITY MOU (PAGE 2):**

**MISCELLANEOUS:**

~~b. Survival. The provisions of this MOU that require performance after the expiration or termination of this MOU shall remain in force notwithstanding the expiration or termination of the MOU.~~

b. This document shall not be construed to bind either of the parties to a particular project or specified course of action except as expressly stated. Either party may terminate this agreement at anytime with or without cause in accordance with the Notice provisions recited *infra.*, without penalty or ongoing obligation. No act or omission committed pursuant to this Memorandum of Understanding shall give rise to a cause of action against any party to this Agreement.



APPROVED AS TO FORM:

  
9/12/2013  
CITY ATTORNEY

**COMMUNICATIONS AND COORDINATION REPRESENTATIVES:** To provide for consistent and effective communication between SU and CW, each party shall appoint a principal representative to serve as its central point of contact on matters relating to this MOU. The principal representatives for this MOU are listed below.

Mr. Mitchell L. Moore  
Vice President for Advancement and Planning  
Shenandoah University  
1460 University Drive  
Winchester, VA 22601

Mr. Dale Iman  
City Manager  
The City of Winchester  
Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601

**MISCELLANEOUS:**

- a. Other Relationships or Obligations. This MOU shall not affect any preexisting or independent relationships or obligation between the parties.
- b. Survival. The provisions of this MOU that require performance after the expiration or termination of this MOU shall remain in force notwithstanding the expiration or termination of the MOU.
- c. Severability. If any provisions of this MOU is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulation.

**REVIEW:** This agreement will be reviewed annually to ensure adequate identification of support requirements. Additional reviews may take place when changing conditions or circumstances require substantial changes or development of a new agreement. Minor changes may be made at any time by correcting the existing document or attaching a memorandum to the basic document. Changes must be coordinated and initiated by a representative of both parties.

**ADMENDMENT, MODIFICATION AND TERMINATION:** This MOU may be amended or modified only by written, mutual agreement of the parties. Either party

may terminate this MOU by providing written notice to the other party.

**EFFECTIVE DATE:** This agreement becomes effective upon the date of the last approving signature and document expires annually but automatically renews if no action is taken by either party.

**ACCEPTANCE OF AGREEMENT:**

\_\_\_\_\_  
Mr. Dale Iman  
City Manager  
City of Winchester

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dr. Tracy Fitzsimmons  
President  
Shenandoah University

\_\_\_\_\_  
Date

**END OF DOCUMENT**

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

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

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

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

STAFF RECOMMENDATION: Approval

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

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

INSURANCE: N/A

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Finance	<u>BS</u>		<u>9-11-13</u>
2. Public Utilities	<u>PE</u>		<u>9/11/13</u>
3. _____			
4. City Attorney	<u>aw</u>		<u>9/11/2013</u>
5. City Manager	<u>[Signature]</u>		<u>9-11-13</u>
6. Clerk of Council			

Initiating Department Director's Signature: \_\_\_\_\_

[Signature]

9/11/13  
Date

Economic Development Director

APPROVED AS TO FORM:



[Signature]  
CITY ATTORNEY

9/11/2013



# CITY COUNCIL ACTION MEMO

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

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

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

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

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

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

**RECOMMENDATIONS:** City Staff recommends that we begin the project.

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

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

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

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

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

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

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

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

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

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

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

*Owned by: Henkel-Harris Company, Inc.*

*400 Armour Dale, Winchester, VA*

*TM-330-01-13*

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

*Owned by: Ashworth, Winchester, Inc.*

*501 Monticello Street, Winchester, VA*

*TM-330-01-12*

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

*Owned by: Ashworth, Winchester, Inc.*

*501 Armour Dale, Winchester, VA*

*TM-330-02-37*

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

*Owned by: Ashworth, Winchester, Inc.*

;and

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

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

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

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

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

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

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

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

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

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

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

# Five-Year Capital Improvement Plan

## FIVE-YEAR CAPITAL IMPROVEMENT PLAN FISCAL YEARS 2014 - 2018

**Fund & Department:** General Fund - Public Services

**Project Title:** Monticello Street Extension

**Project No.:**

**Budget Code:**

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

**Location Map:**



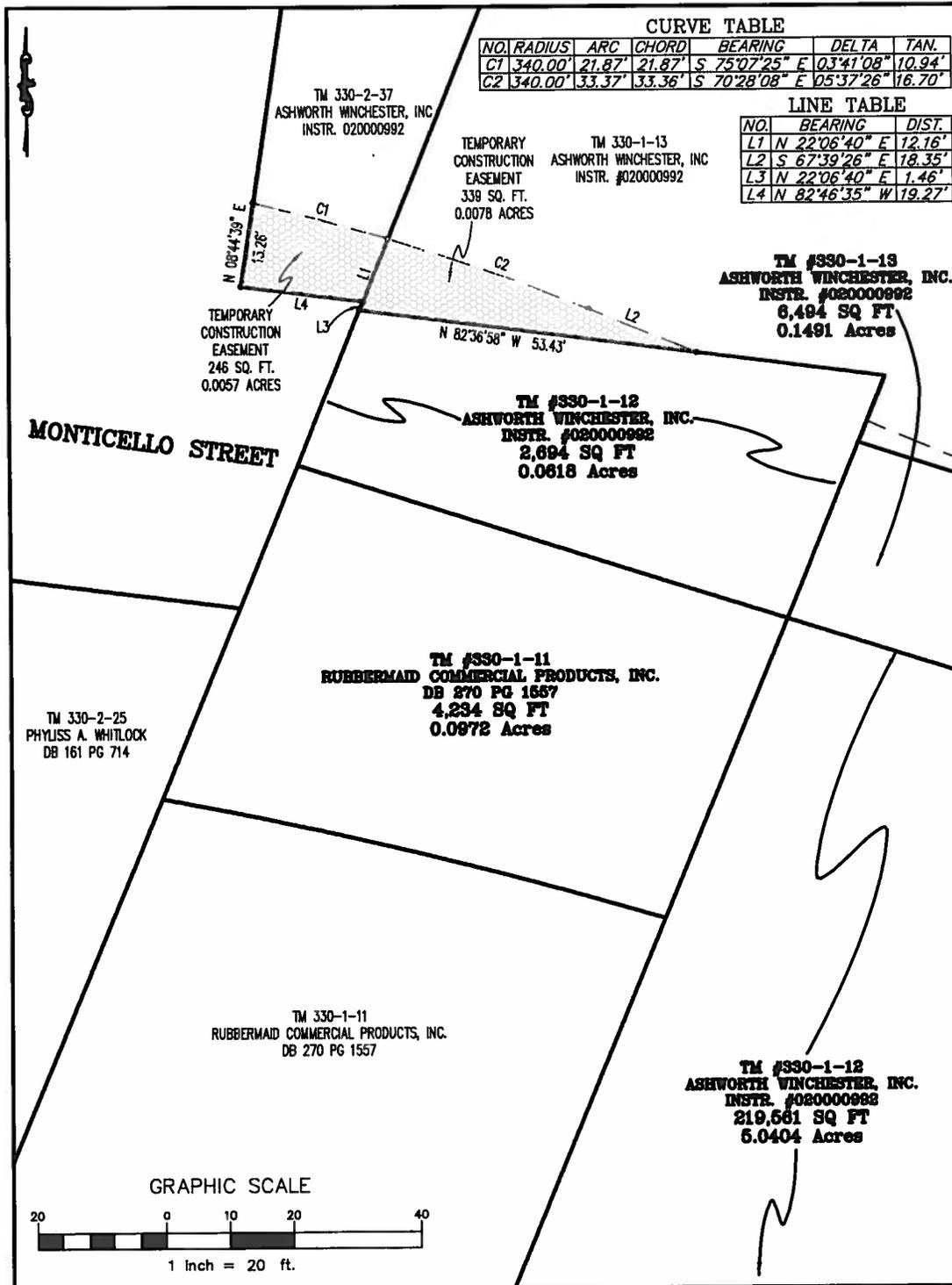
**PROJECTED ANNUAL OPERATING COSTS (\$)**

FY 2014	
FY 2015	
FY 2016	
FY 2017	
FY 2018	
<b>TOTAL</b>	\$ -

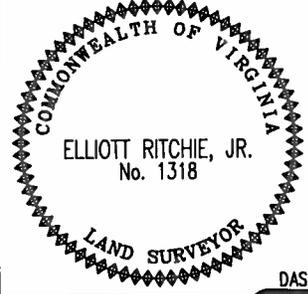
**Project Description:** Project consists of extending Monticello Street from its current terminus to Battaille Drive in the Winchester Industrial Park. The project will include a new bridge over the CSX railroad tracks and also improvements to the existing section of Monticello. Funding for this project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

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

**Project Status:**



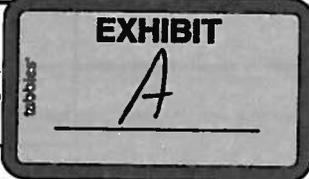
**ASHWORTH WINCHESTER, INC.**  
PROPERTY TO BE CONVEYED TO  
**THE CITY OF WINCHESTER**  
FOR THE IMPROVEMENTS TO  
**MONTICELLO STREET**  
CITY OF WINCHESTER, VIRGINIA  
DATE: MAY 8, 2013 SCALE: 1"=20'



1203032-AREAS



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

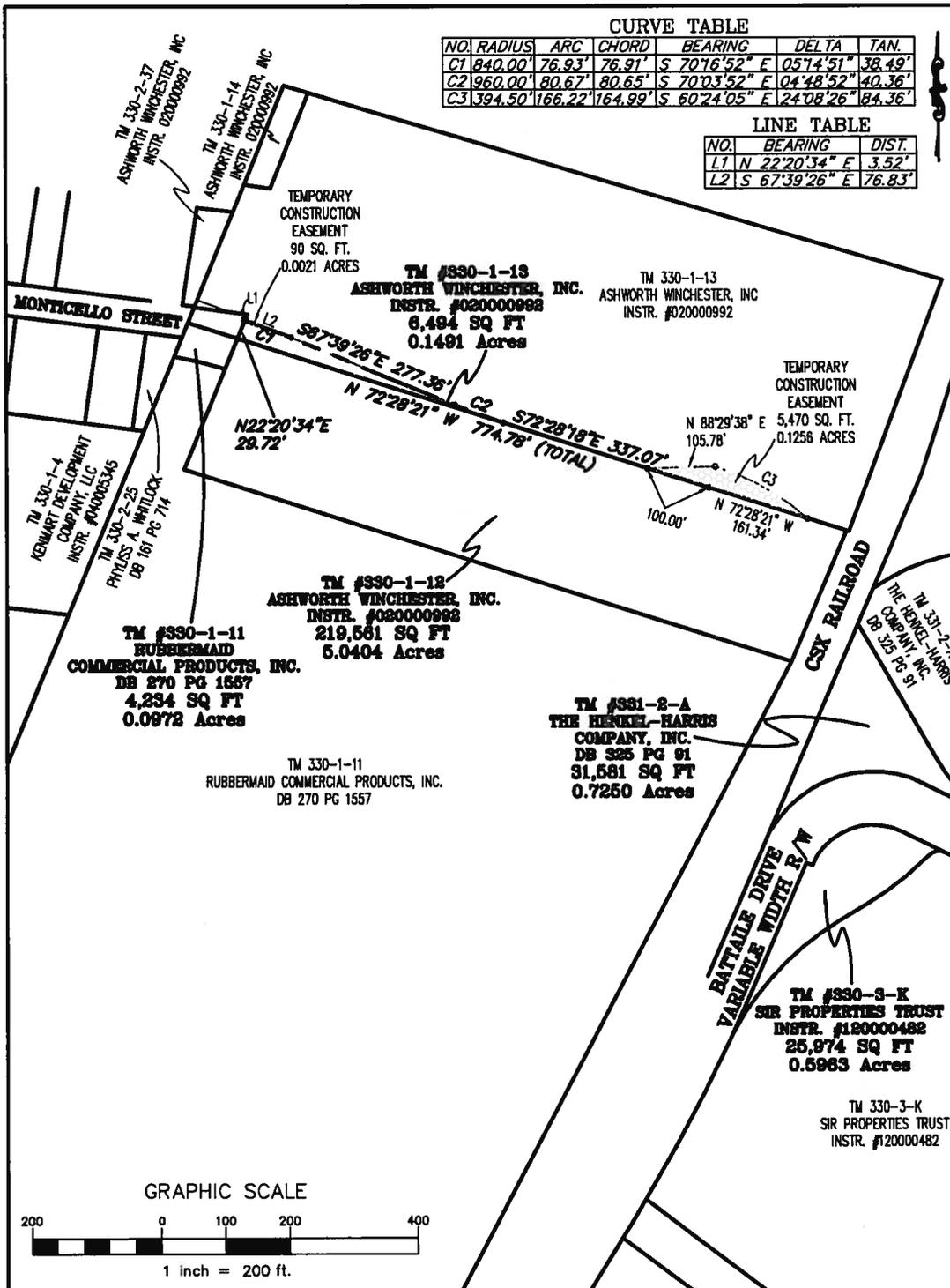


**CURVE TABLE**

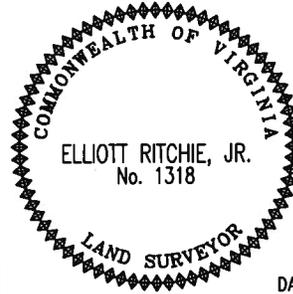
NO.	RADIUS	ARC	CHORD	BEARING	DELTA	TAN.
C1	840.00'	76.93'	76.91'	S 70°16'52" E	05°14'51"	38.49'
C2	960.00'	80.67'	80.65'	S 70°03'52" E	04°48'52"	40.36'
C3	394.50'	166.22'	164.99'	S 60°24'05" E	24°08'26"	84.36'

**LINE TABLE**

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



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

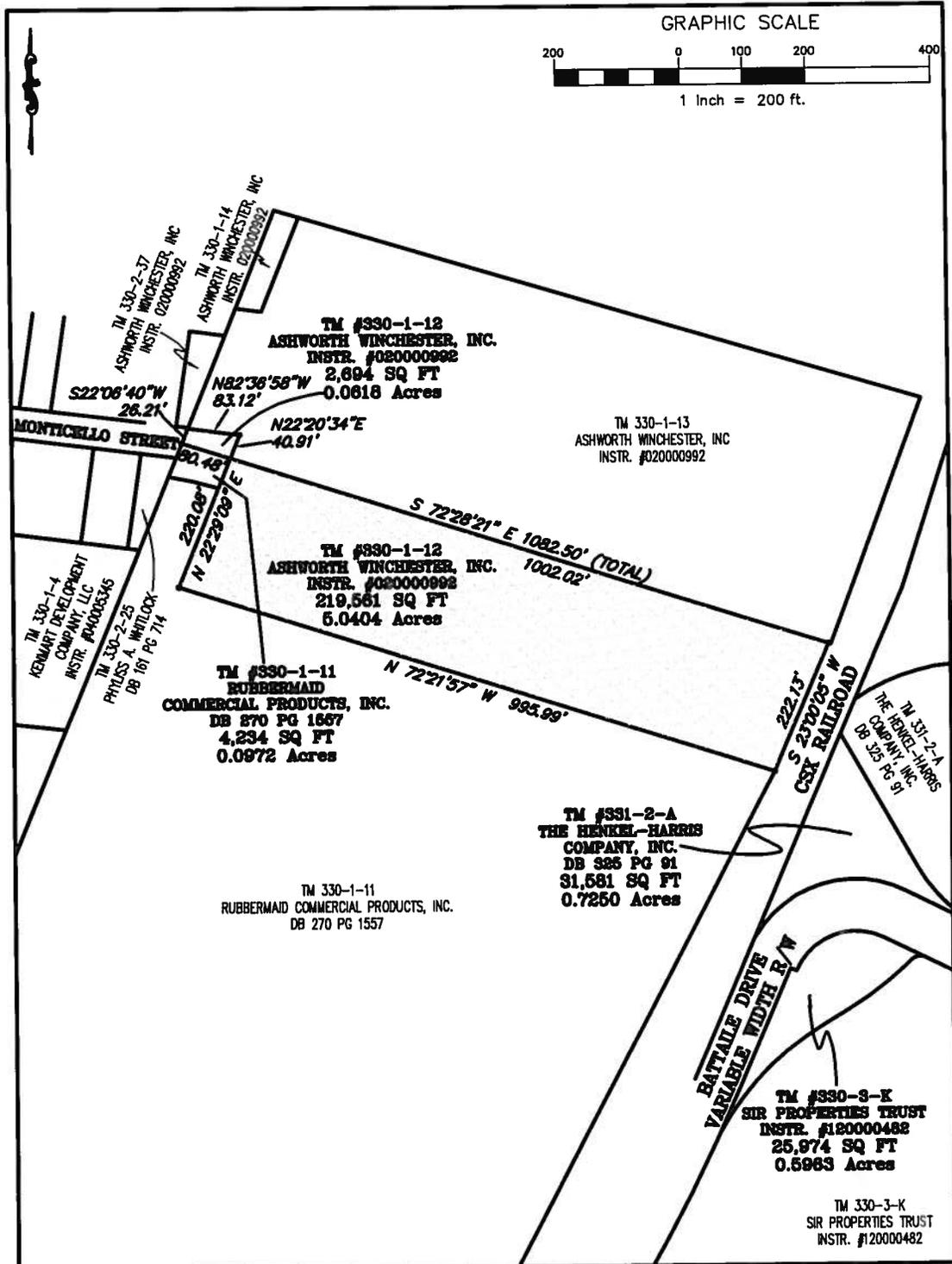
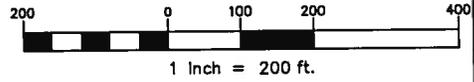


1203032-AREAS

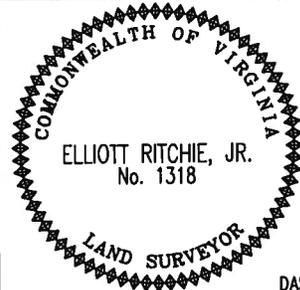


**PAINTER-LEWIS, P.L.C.**  
817 Cedar Creek Grade, Suite 120 Telephone (540) 662-5792  
Winchester, Virginia 22601 Facsimile (540) 662-5793  
Email: office@painterlewis.com

GRAPHIC SCALE



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



1203032-AREAS

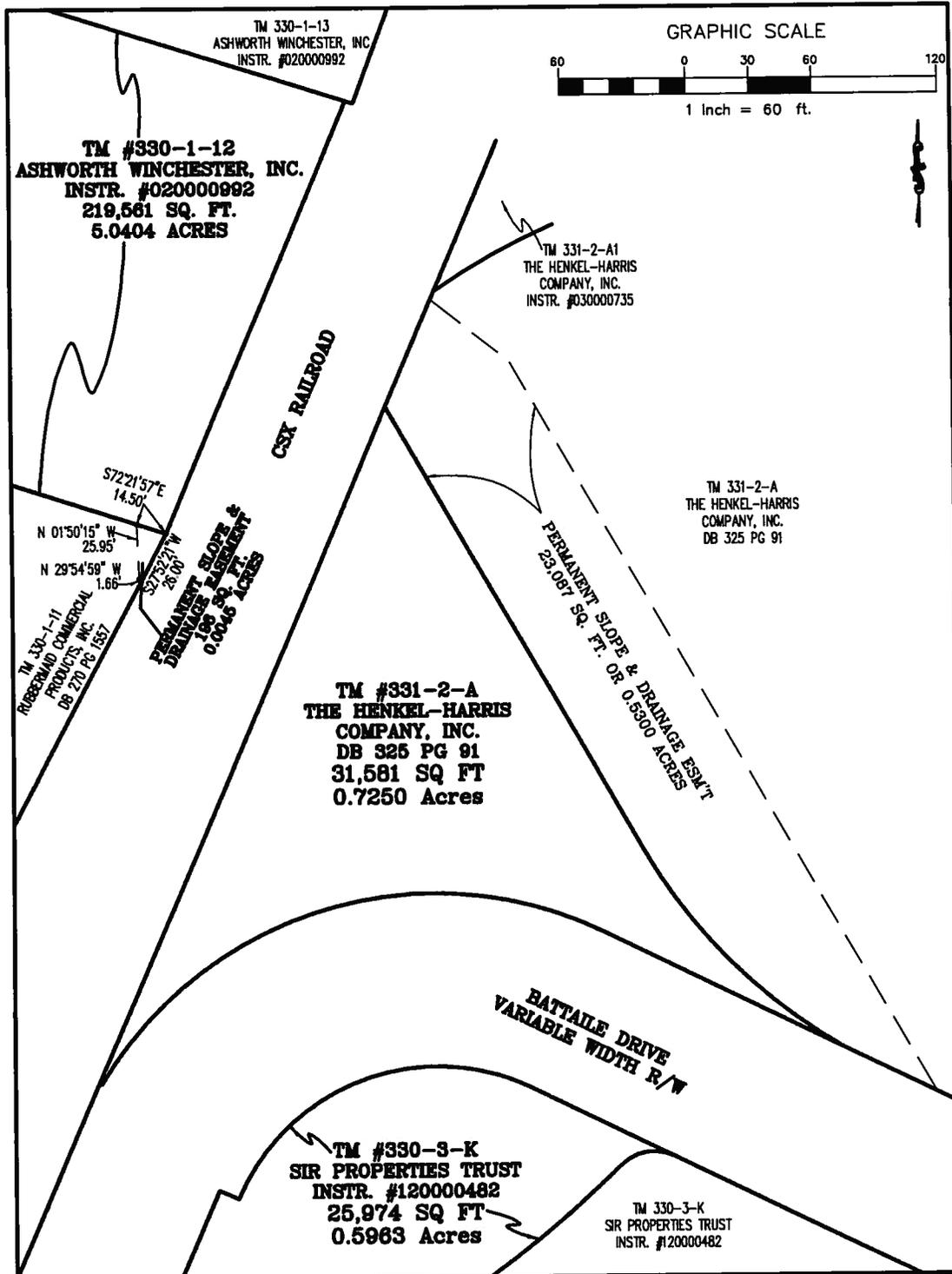


**PAINTER-LEWIS, P.L.C.**

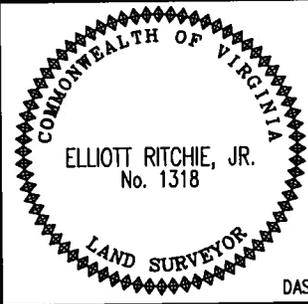
817 Cedar Creek Grade, Suite 120  
Winchester, Virginia 22601

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

Email: office@painterlewis.com



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



1203032-AREAS



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

CURVE TABLE

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

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

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

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

MONTICELLO STREET

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

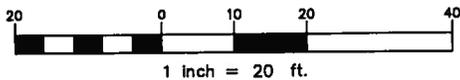
TM #330-1-11  
RUBBERMAID COMMERCIAL PRODUCTS, INC.  
DB 270 PG 1557  
4,234 SQ FT  
0.0972 Acres

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

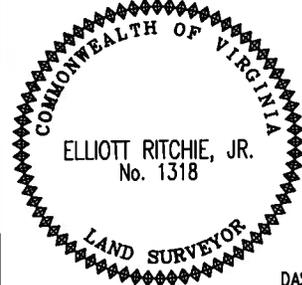
TM 330-1-11  
RUBBERMAID COMMERCIAL PRODUCTS, INC.  
DB 270 PG 1557

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

GRAPHIC SCALE



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



1203032-AREAS

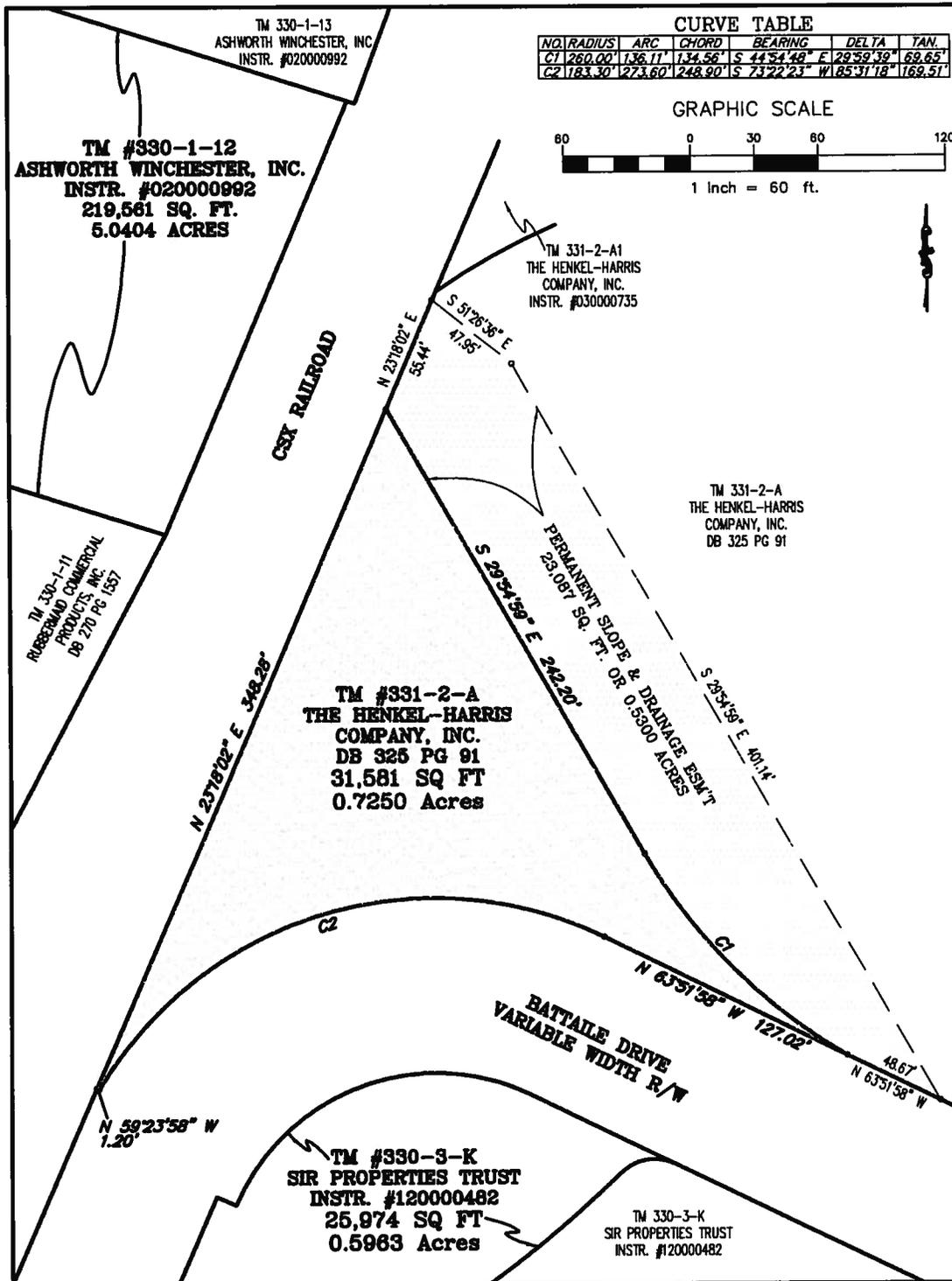


**PAINTER-LEWIS, P.L.C.**

817 Cedar Creek Grade, Suite 120  
Winchester, Virginia 22601

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

Email: office@painterlewis.com



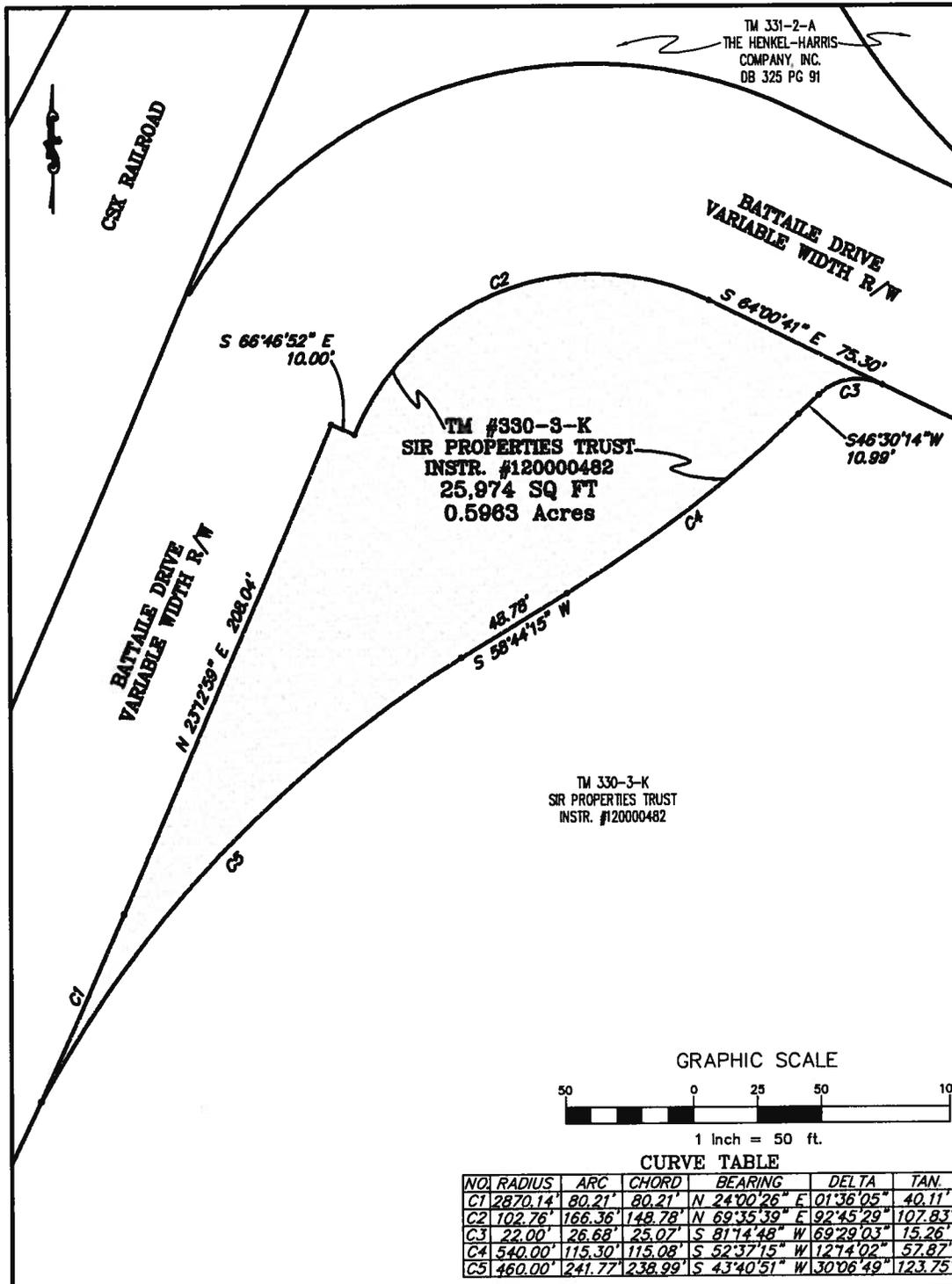
**THE HENKEL-HARRIS COMPANY, INC.**  
 PROPERTY TO BE CONVEYED TO  
**THE CITY OF WINCHESTER**  
 FOR THE IMPROVEMENTS TO  
**MONTICELLO STREET**  
 CITY OF WINCHESTER, VIRGINIA  
 DATE: MAY 8, 2013 SCALE: 1"=60'



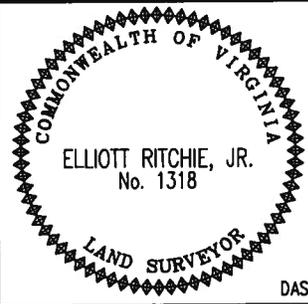
1203032-AREAS



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



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



1203032-AREAS

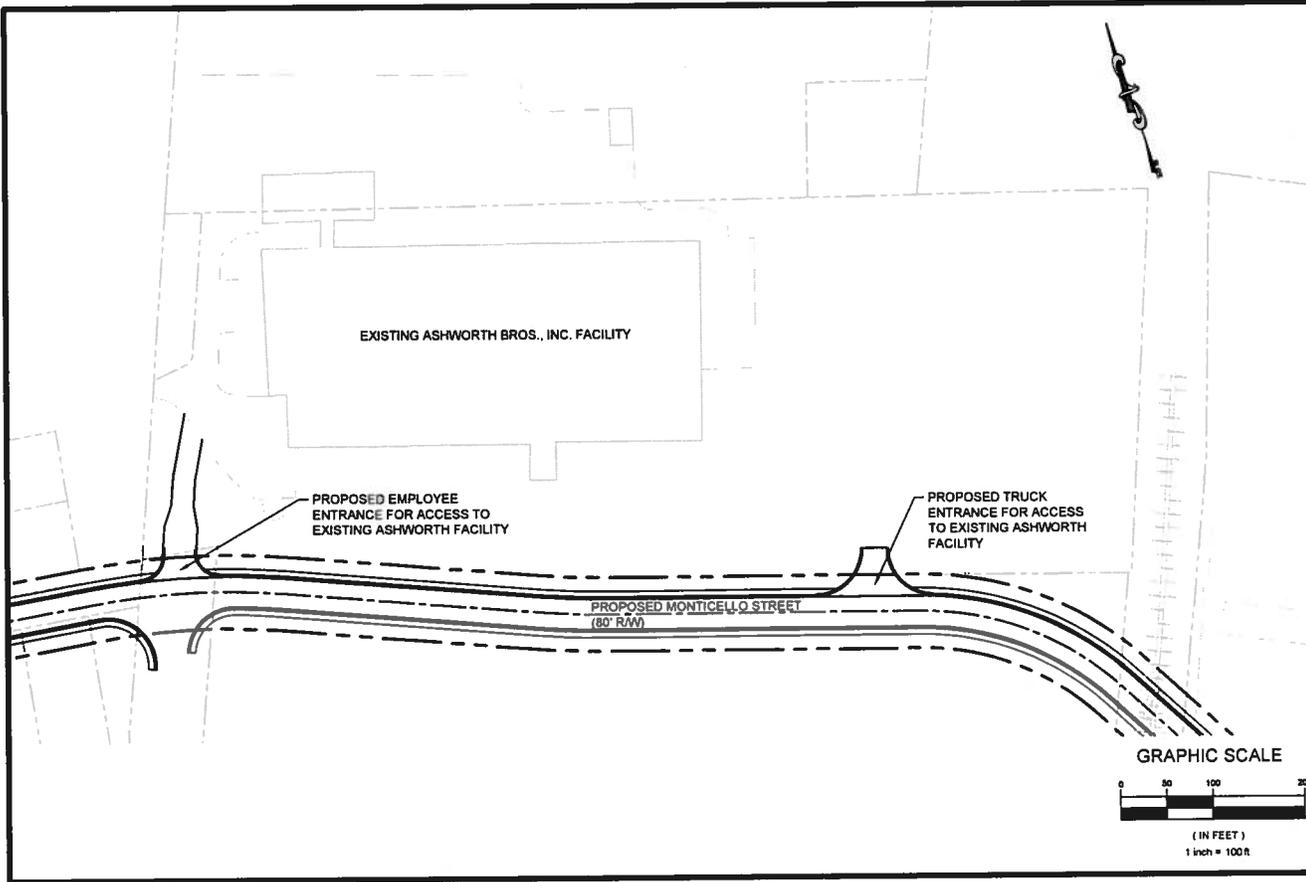


**PAINTER-LEWIS, P.L.C.**

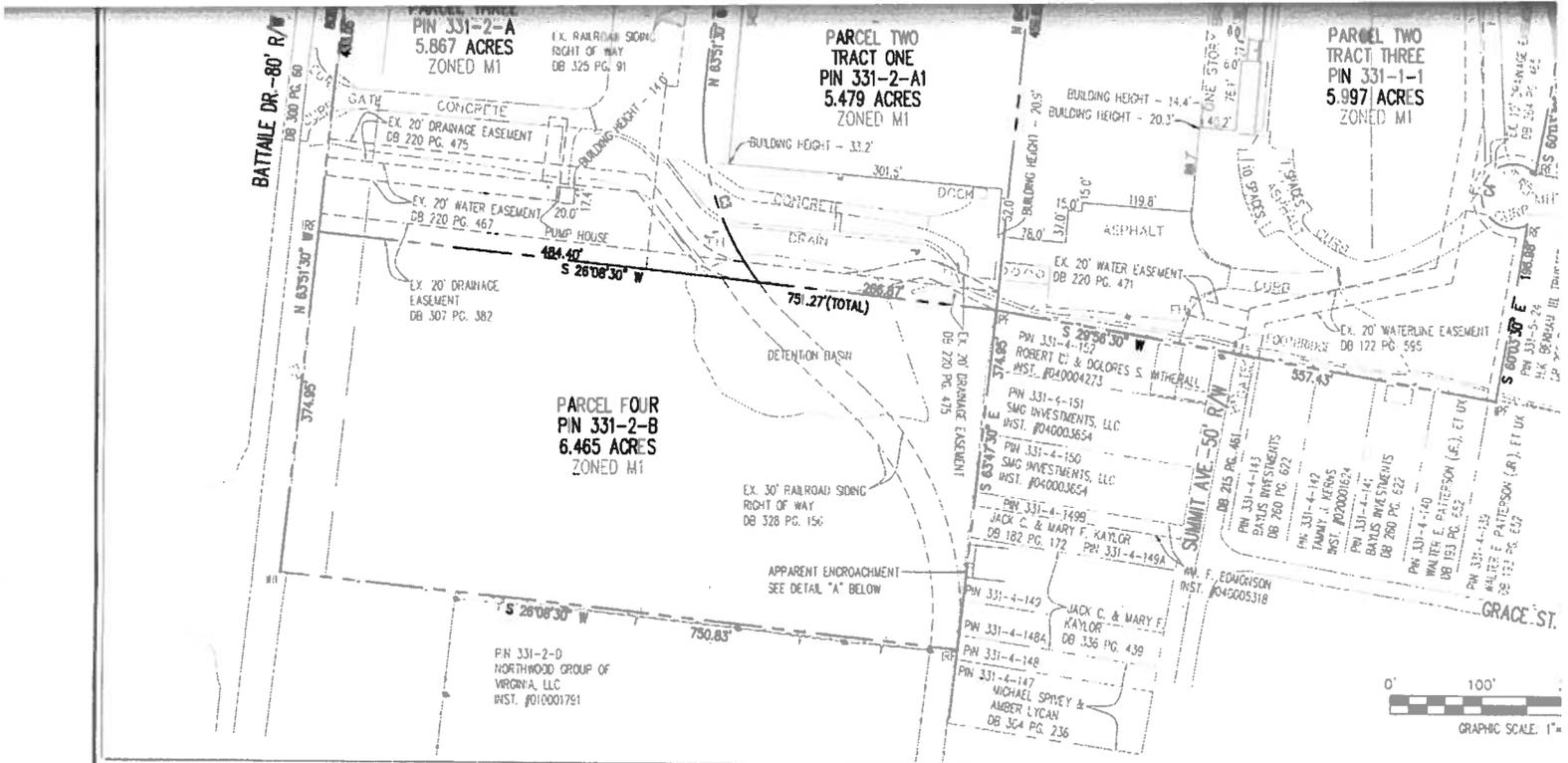
817 Cedar Creek Grade, Suite 120  
Winchester, Virginia 22601

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

Email: office@painterlewis.com



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



**NOTES:**

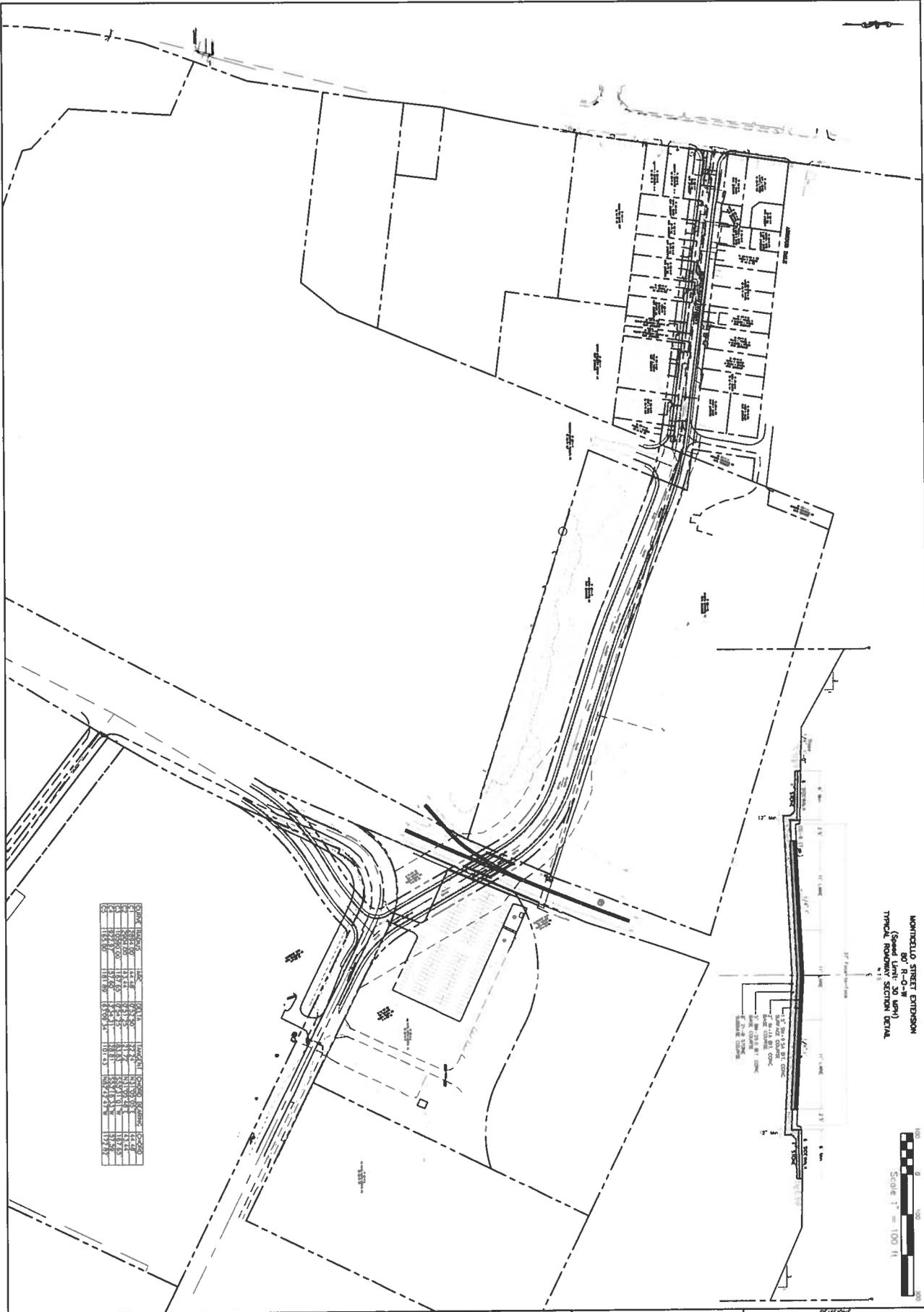
- 1. SPECIAL EXCEPTIONS OUTLINED IN SCHEDULE B OF THE TITLE COMMITMENT O. 200500715SH DATED APRIL 4, 2005 AT 8:00 A.M. FURNISHED BY INVESTORS TITLE INSURANCE COMPANY ARE ADDRESSED AS FOLLOWS:
- A. LOCATION OF RIGHTS OF WAY AND EASEMENTS GRANTED TO NORTHERN VIRGINIA POWER COMPANY AS RECORDED IN DEED BOOK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

**SETBACKS IN DEEDS OF RECORD**

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

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

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



NO.	DATE	BY	CHKD.	DESCRIPTION
1	11/15/11	ML	ML	ISSUED FOR PERMIT
2	11/15/11	ML	ML	ISSUED FOR PERMIT
3	11/15/11	ML	ML	ISSUED FOR PERMIT
4	11/15/11	ML	ML	ISSUED FOR PERMIT
5	11/15/11	ML	ML	ISSUED FOR PERMIT
6	11/15/11	ML	ML	ISSUED FOR PERMIT
7	11/15/11	ML	ML	ISSUED FOR PERMIT
8	11/15/11	ML	ML	ISSUED FOR PERMIT
9	11/15/11	ML	ML	ISSUED FOR PERMIT
10	11/15/11	ML	ML	ISSUED FOR PERMIT
11	11/15/11	ML	ML	ISSUED FOR PERMIT
12	11/15/11	ML	ML	ISSUED FOR PERMIT
13	11/15/11	ML	ML	ISSUED FOR PERMIT
14	11/15/11	ML	ML	ISSUED FOR PERMIT
15	11/15/11	ML	ML	ISSUED FOR PERMIT
16	11/15/11	ML	ML	ISSUED FOR PERMIT
17	11/15/11	ML	ML	ISSUED FOR PERMIT
18	11/15/11	ML	ML	ISSUED FOR PERMIT
19	11/15/11	ML	ML	ISSUED FOR PERMIT
20	11/15/11	ML	ML	ISSUED FOR PERMIT

MONTICELLO STREET EXTENSION  
 60' R-O-W  
 (Grand Limit 50' R-O-W)  
 TYPICAL ROADWAY SECTION DETAIL

Scale 1" = 100' ft

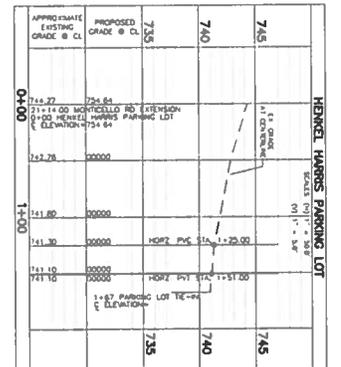
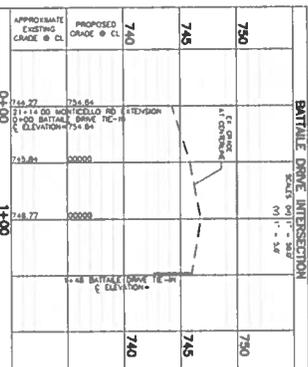
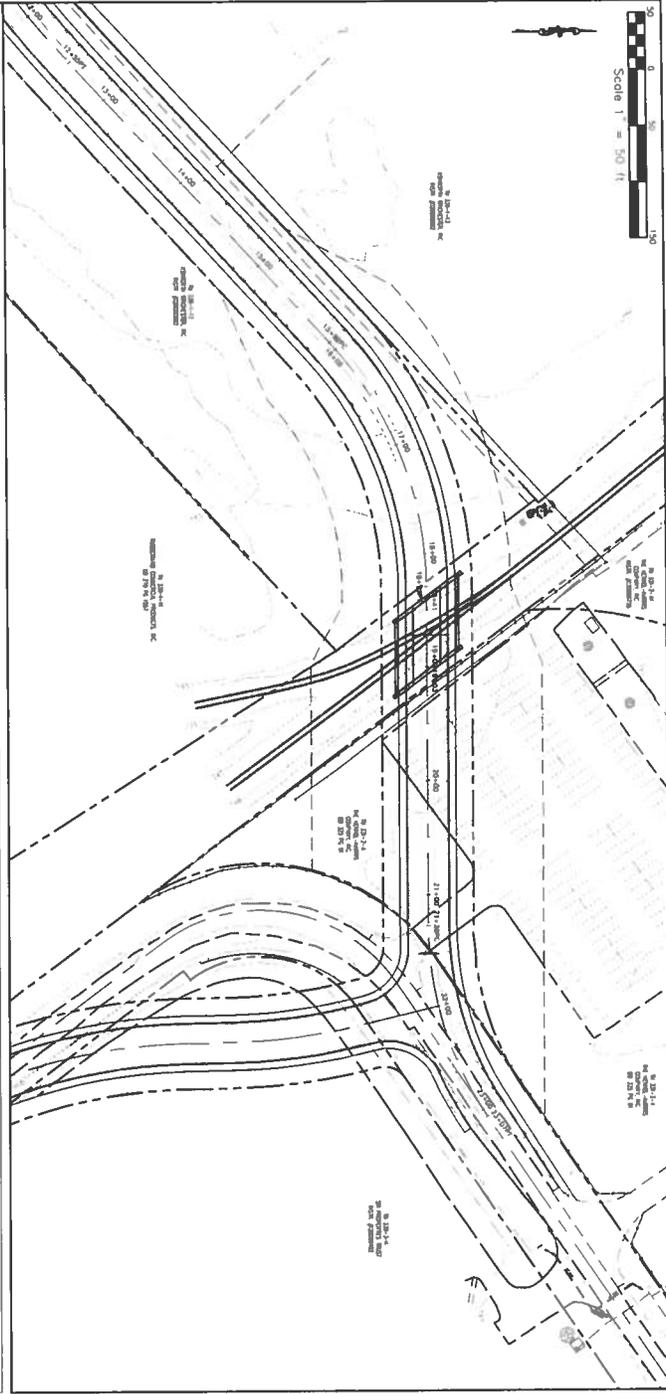
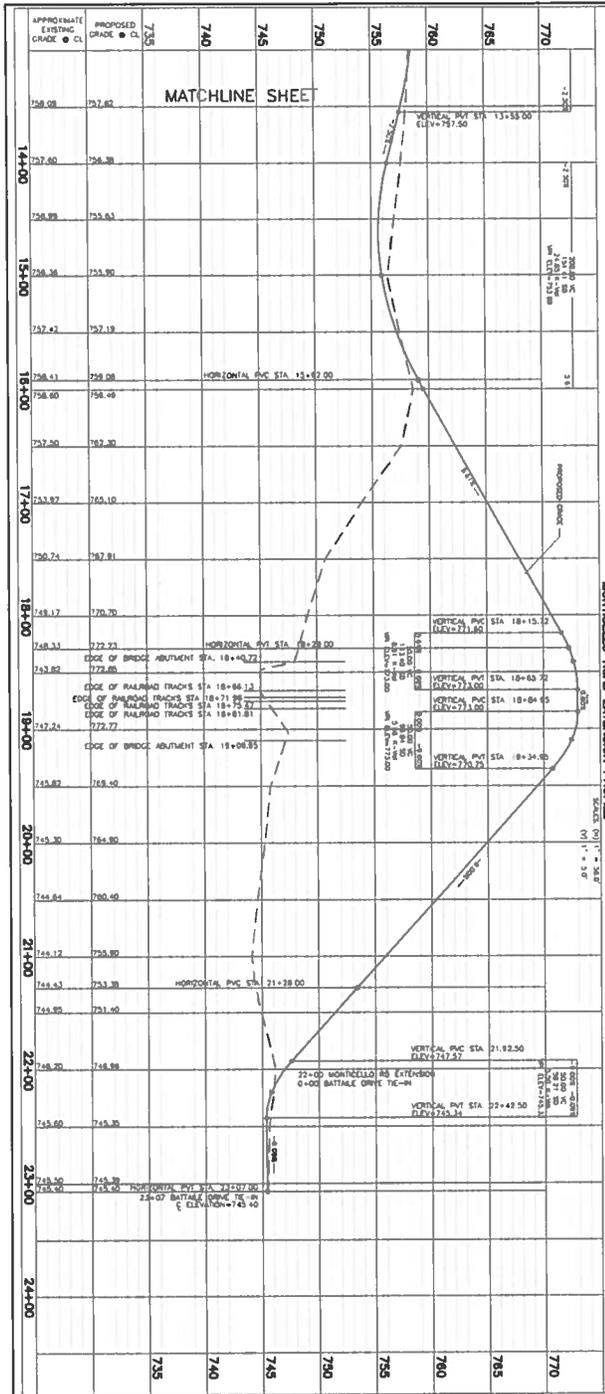
NO.	DATE	BY	CHKD.	DESCRIPTION
1	11/15/11	ML	ML	ISSUED FOR PERMIT
2	11/15/11	ML	ML	ISSUED FOR PERMIT
3	11/15/11	ML	ML	ISSUED FOR PERMIT
4	11/15/11	ML	ML	ISSUED FOR PERMIT
5	11/15/11	ML	ML	ISSUED FOR PERMIT
6	11/15/11	ML	ML	ISSUED FOR PERMIT
7	11/15/11	ML	ML	ISSUED FOR PERMIT
8	11/15/11	ML	ML	ISSUED FOR PERMIT
9	11/15/11	ML	ML	ISSUED FOR PERMIT
10	11/15/11	ML	ML	ISSUED FOR PERMIT
11	11/15/11	ML	ML	ISSUED FOR PERMIT
12	11/15/11	ML	ML	ISSUED FOR PERMIT
13	11/15/11	ML	ML	ISSUED FOR PERMIT
14	11/15/11	ML	ML	ISSUED FOR PERMIT
15	11/15/11	ML	ML	ISSUED FOR PERMIT
16	11/15/11	ML	ML	ISSUED FOR PERMIT
17	11/15/11	ML	ML	ISSUED FOR PERMIT
18	11/15/11	ML	ML	ISSUED FOR PERMIT
19	11/15/11	ML	ML	ISSUED FOR PERMIT
20	11/15/11	ML	ML	ISSUED FOR PERMIT

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

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

TITLE:  
**OVERALL SITE LAYOUT**

NO.	DATE	DESCRIPTION	BY



DATE	BY	CHK	APP
10/10			

**PAINTER-LEWIS, P.L.C.**  
 116 NORTH BRADDOCK STREET  
 WINCHESTER, VIRGINIA 22601  
 Telephone (540) 867-3782  
 Facsimile (540) 862-3793  
 Email: office@painterlewis.com

PROJECT  
**MONTICELLO ROAD EXTENSION**  
 CITY OF WINCHESTER, VIRGINIA

TITLE  
**MONTICELLO ROAD EXTENSION**  
 CENTERLINE PLAN & PROFILE

REVISIONS	
NO.	DESCRIPTION



Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601

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

**VIA CERTIFIED AND FIRST CLASS MAIL**

July 8, 2013

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

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

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

Dear Sir:

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

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

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



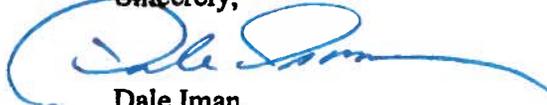
*"To provide a safe, vibrant, sustainable community while striving to constantly improve the quality of life for our citizens and economic partners."*

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

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

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

Sincerely,



**Dale Iman,  
City Manager**

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



Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601

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

July 17, 2013

**VIA CERTIFIED AND FIRST CLASS MAIL**

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

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

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

Dear Sir:

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

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

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

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

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

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

Sincerely,



Dale Iman,  
City Manager

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



Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601

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

**VIA CERTIFIED AND FIRST CLASS MAIL**

July 8, 2013

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

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

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

Dear Sir:

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

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

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

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

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

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

Sincerely,



Dale Iman,  
City Manager

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



Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601

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

July 8, 2013

**VIA CERTIFIED AND REGULAR MAIL**

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

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

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

Dear Sir:

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

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

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

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

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

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

Sincerely,



Dale Iman,  
City Manager

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



Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601

Telephone: (540) 667-1815  
FAX: (540) 722-3618  
TDD: (540) 722-0782  
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July 8, 2013

**VIA CERTIFIED AND REGULAR MAIL**

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

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

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

Dear Sir:

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

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

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

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

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

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

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July 8, 2013

**VIA CERTIFIED AND FIRST CLASS MAIL**

**Ashworth Winchester, Inc.**  
c/o: Joe Lackner, Vice President  
Paul Steinhoff, Director of Operations  
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450 Armor Dale  
Winchester, VA 22601

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

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

Dear Sir:

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

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

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

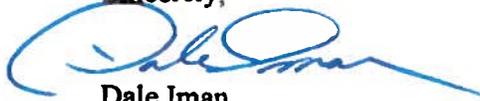
*"To provide a safe, vibrant, sustainable community while striving to constantly improve the quality of life for our citizens and economic partners."*

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

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

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

Sincerely,



Dale Iman,  
City Manager

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



# CITY COUNCIL ACTION MEMO

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

**From:** L. A. Miller, Emergency Management Coordinator

**Date:** September 9, 2013

**RE:** 2014 State Homeland Security Grant Program – Communications Equipment

---

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

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

**BACKGROUND:** See Attached Staff Report

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

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

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

Decline participation in grant program.

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

## STAFF REPORT

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

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

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

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

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

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

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

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

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

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

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

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

# Radios

## Title

Improving Communication Capabilities by the Incorporation of Interoperable Communication Devices

## Applicant Region Description

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

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

## Proposal Description

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

## **Threat**

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

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

## **Vulnerability**

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

## **Consequence**

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

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

### **Proposal Necessity**

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

### **Results Evaluation**

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

### **Project Management**

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

### **Budget Request**

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

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

- **VHF RECEIVE ANTENNA SYSTEM** **\$5,146.00**  
 OMNI, MEANDER COLLINEAR, 6.0 DBD, 150-160 MHZ, PIM RATED  
 LDF4-50A CABLE: 1/2" LDF HELIAX POLY JKT PER FOOT  
 L4TNM-PSA TYPE N MALE PS FOR 1/2 IN CABLE  
 L4TDM-PSA 7-16 DIN MALE PS FOR 1/2 IN CABLE  
 221213 CABLE WRAP WEATHERPROOFING  
 AVA5-50 CABLE: 7/8" AVA HELIAX POLY JKT PER FOOT  
 7/8" TYPE N FEMALE POSITIVE STOP CONNECTOR  
 SG78-06B2A GROUNDING KIT FOR 7/8 IN COAXIAL CABLE  
 L5SGRIP 7/8" SUPPORT HOIST GRIP  
 RF SPD, 125-1000MHZ DC BLOCK FLANGE MT NM ANTENNA, NF EQUIPMENT SIDE  
 FSJ4-50B CABLE: 1/2" SUPERFLEX POLY JKT PER FOOT  
 F4PNMV2-HC 1/2" TYPE N MALE PLATED CONNECTOR
  
- **INSTALLATION OF VHF ANTENNA SYSTEM** **\$7,415.00**
  
- **VHF BASE STATIONS Quantity 3 @\$9,075.00 EA** **\$27,225.00**  
 MTR 3000 BASE RADIO  
 ADD: VHF 100W POWER (136-174MHZ)  
 ADD: RACK MOUNT HARDWARE  
 ADD: MTR3000 CIRCULATOR VHF (144-160 MHZ)  
 ADD: 4 WIRE WIRELINE
  
- **LOW BAND BASE STATION W/ ANTENNA AND LINE FOR SIRS COMMUNICATIONS** **\$22,692.00**
  
- **APX 7000 MODEL 3.5 – DUAL BAND ENABLED, ENCRYPTION** **\$141,740.00**  
 APX PORTABLE HARDWARE, QTY 20  
 ADD: 7/800MHZ PRIMARY BAND, QTY 20  
 ADD: VHF SECONDARY BAND, QTY 20  
 ADD: LARGE COLOR DISPLAY WITH FULL KEYPAD, QTY 20  
 ADD: ENABLE DUAL BAND OPERATION, QTY 20  
 ADD: DIGITAL CAI, QTY 20  
 ASTRO 25 TRUCKING 9600 SW, QTY 20  
 SMARTZONE OPERATION, QTY 20  
 ADD: ADVANCED SYSTEM KEY – SOFTWARE KEY, QTY 20

ADD: AES ENCRYPTION, QTY 20

- **APX7000 ACCESSORIES** **\$11,576.00**
  - IMPRES SINGLE USER CHARGER, QTY 20
  - IMPRES RSM DISPLAY WITH JACK, W CHNL, QTY 20
  - IMPRES MULTI-UNIT CHARGER, QTY 2

- **DUAL BAND BASE STATIONS AND INSTALLATION, QTY 5** **\$59,000**

**GRAND TOTAL** **\$291,780.00**

### **Sustainment**

The materials will be monitored for continued maintenance. Items that cannot be repaired will be replaced.

- Requested amount for project
  - Equipment: \$291,780.00
- FY15
  - Equipment: NONE. Everything will be under warranty
- FY 16
  - \$500 per year for equipment upkeep and maintenance

### **Law Enforcement Explanation**

The communications equipment provides interoperability capabilities with neighboring jurisdictions for both analog and digital equipment.

- Law Enforcement Factor: 5%

### **Communications Component**

VHF Base Stations and antenna systems as well as dual band APX 7000 portables to operate on an 800 MHz system.

### **Project Plan**

- First Quarter: Purchase and installation of requested equipment.
- Second Quarter: Begin implementation and programming while beginning periodic maintenance.
- Third Quarter: Conduct scheduled maintenance
- Fourth Quarter and Extended: Continue scheduled maintenance

**Other Funding Sources**

City of Winchester General Fund Revenue Budget

**Requestor Contact Information**

Request Date: 9/11/2013

Name: Lynn Miller

Requesting Agency/Locality: City of Winchester

Position title: Emergency Management Coordinator

Address: 231 E. Piccadilly St., Winchester, VA 22601

Phone: (540)545-4721, x1086

Fax:

E-mail: lmiller@ci.winchester.va.us

RPAC-I Region: Two

Total Requested Amount: \$291,780.00

Other primary jurisdictions involved: (Name, jurisdiction, e-mail address, phone number)

**Communications Project Description**

Please select one category that most accurately represents your project.

- Network infrastructure (microwave/fiber)
- Radio system-to-system integration
- Radio gateways
- Radio system/Subscriber replacement/Enhancements
- Wireless alerting and notification
- Wireless data
- Infrastructure (towers/building/generators)
- Planning/Training/Exercise/Engineering
- Other (Please explain)

**RPAC-I Support**

1. Was this project idea reviewed by your RPAC-I? Your response will be verified with the Secretary's Office for Veteran's Affairs & Homeland Security (VA&HS).

Yes

2. Please identify which RPAC-I priority this project addresses.

Second

**Executive Summary**

*In 500 words or less, please provide a summary of this proposed project and its impact on interoperability in the participating jurisdiction. This summary will be used by the SIEC when reviewing the Grants Working Group's recommendations about funding. You may find it easier to write the summary once you have reviewed and completed the entire proposal.*

This project focuses on the enhancement and continuation of interoperability radio communications between various internal city departments (Fire & Rescue, Law Enforcement, Public Works,

Transit, Schools and others) as well as to support increased capacity for day to day public safety operations between the city and jurisdictional agencies outside the city such as Virginia State Police, Frederick County, Clarke County, and Warren County.

The City of Winchester is requesting funding in the amount of \$291,780.00 to support the upgrade of existing antiquated VHF high/low band radio infrastructure and subscriber units to maintain interoperability with other agencies as well as much needed technology enhancements to the current radio system to allow for FCC compliance. This request addresses upgrades to current VHF high/low band base stations, antenna systems, and subscriber equipment that have become obsolete.

As the fiscal agent for the Virginia Region 2 State Hazardous Materials Contract Team, the City of Winchester relies on VHF interoperability to allow for effective communications with regional partners that utilize this spectrum for jurisdictional communications. In addition, by upgrading existing base station equipment to communicate within the STARS system, the Winchester Police Department will enhance their capability to communicate with State Troopers operating in the locality.

### **Regional Collaboration**

3. a. Please list and document the support from each of the primary jurisdictions receiving equipment and/or services as part of this project and a point of contact for each.

City of Winchester

- Erin Elrod, ECC Director (540)545-4715 (ECC Operations)
- Kelly Rice, Police Major (540)545-4702 (Police Operations)
- Scott Kensinger, Deputy Chief Fire and Rescue (540)662-2298 (Fire Operations)

- b. List all secondary jurisdictions that would benefit from improved interoperability because of your project.

- Frederick County Fire and Rescue, Dennis Linaburg, Fire Chief (540)665-5618
- Frederick County Sheriff, Robert Williamson, Sheriff (540)662-6168
- Clarke County, David Ash, Emergency Coordinator (540)955-5100
- Warren County, Richard Mabee, Fire Chief (540)636-3830
- Virginia State Police (SIRS)

4. If available at this early stage, provide and list below any documents (MOUs, letters of intent, regional structure) that clarify the governance structure that exists or will be established to ensure this project's success.

- Mutual Aid agreement for Fire and Rescue services between Winchester and Frederick County
- Letter of authorization to program VHF frequencies from Frederick County, VA

5. In order to provide a snapshot of current levels of interoperability, please explain where all primary participating jurisdictions currently are on the SAFECOM Interoperability Continuum, and how this project would improve regional interoperability above your current capabilities. (Note: Improved coverage, narrowband compliance, improved redundancy, improved reliability, and manufacturer support are not considered improvements in regional interoperability. Please distinguish improvements for primary and secondary jurisdictions/entities.)

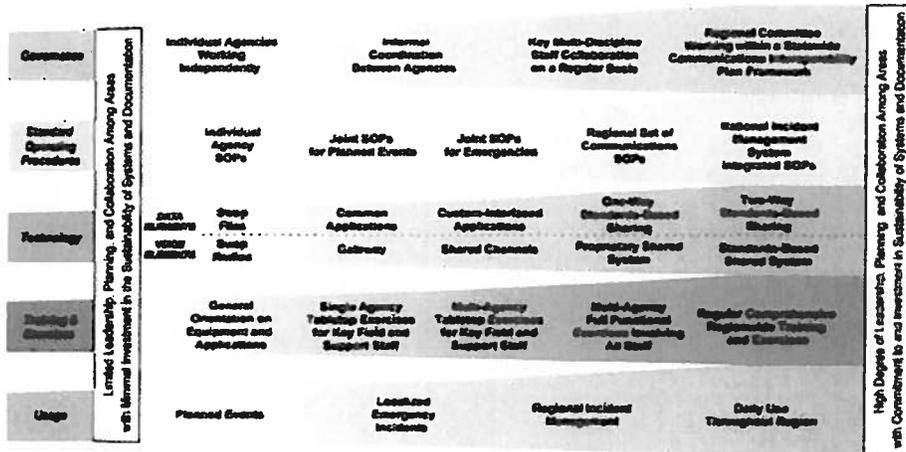
Current SAFECOM Interoperability Continuum:

- Governance – Key Multi-Discipline Staff Collaboration on a Regular Basis
- Standard Operating Procedures – Joint SOP's for Emergencies
- Technology – Data Elements: Common Applications, Voice Elements: Proprietary Shared System
- Training & Exercises – Multi-Agency Full Functional Exercises Involving All Staff
- Usage – Regional Incident Management

Regional Interoperability for this project will increase the amount of first responders that can become interoperable on the communication system and improve safety through responder emergency activation in the event of personnel endangerment. The current system does not allow for (EA) emergency activation back to the Emergency communications center. The Virginia State Police and the Winchester Police Department will improve their communications for daily operations with updated base stations for SIRS communications.



Interoperability Continuum



National Interoperability Channels

## Communications Grant Project Idea Attachment | 2013

6. Has each jurisdiction participating in your project programmed all current public safety radios with the national interoperability channels for their respective bands? Please elaborate and include any supporting documentation, including radio template layouts, showing the naming conventions and channels. If the proposed project addresses adding the National Interoperability channels to new/existing radio units, please indicate so.

The following is an example of the current programming structure for the City of Winchester Fire and Rescue Department mobile and portable radio equipment. It has been identified in the planning for increased interoperability capabilities that the national interoperability channels need to be structured into these channel plans.

- a. *Zone 1* (Winchester/Frederick) This zone is programmed identical to the portable radios and follows the same parameters as outlined above.
  - i. Mutual aid response to Frederick County does not require additional communication resources and all units shall utilize "1DispRpt" channel to mark responding when communicating with Frederick County ECC. Their dispatch center will instruct units as to the operational channel to change to during the incident. Please refer to the mobile channel plan below.
- b. *Zone 2* (Clarke County) Units should select "Clarke 1" to mark responding with Clarke County and will be instructed to change to another channel by their dispatch center.
- c. *Zone 3* (Warren County) Units should select "Warren 1" to mark responding with Warren County and will be instructed to change to another channel by their dispatch center.
- d. *Zone 4* contains common interoperability channels. Responders shall only utilize these channels when directed.

Zone 1	Zone 2	Zone 3	Zone 4
WFRD 1	Clarke 1	Warren 1	Disas 1
WFRD 2	Clarke 2	Warren 2	Disas 2
WFRD 3	Clarke 3	Warren 3	Disas 3
1DispRpt	Clarke 4	Warren 4	Disas 4
2DispT/A	ClarkTac		S&R
3CoWdRpt	METRO		PSC com
4CoWdT/A			Vcall 10
5Tasker			Vtac 11
6Brown			Vtac 12
7CrsJct			Vtac 13
8Tacticl			Vtac 14
9EvtRpt			Metro
10EvtT/A			Vfire22
WPD1			Vfire23
WPD3			VDOF1
WFRD1			VDOF2

7. Provide information about your current radio system's compliance to standards based protocols and/or regulatory mandates and your intended replacement plans to become compliant with these standards based technologies or regulatory mandates. Please include expected replacement dates if you are not currently compliant.

The City of Winchester currently meets all regulations regarding FCC licensing of VHF frequencies. The City is in contract with Motorola Solutions to design and construct an 800 Mhz, P25 compliant, digital trunked system with an anticipated completion date of late summer of 2014 completion. A major component to this system is continuance of interoperability with outside agencies in the VHF spectrum.

There is currently a waiver in place that grants the City until December 31, 2013 to become compliant with current VHF FCC narrow banding regulations. It is anticipated that the City will need to file for an additional waiver to give time for the implementation of the new proposed 800 Mhz system.

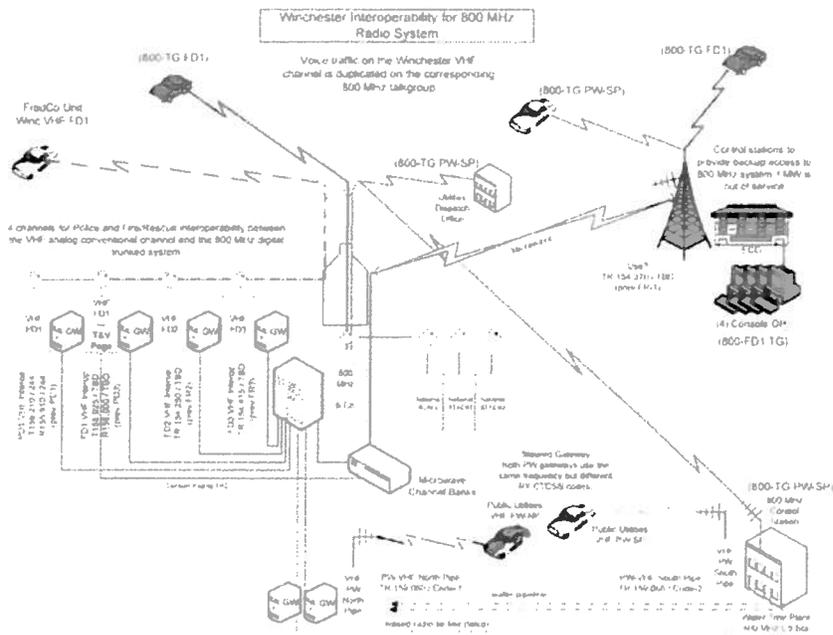
8. Please describe how your radio users currently communicate and identify any challenges they face with interoperability. This should include police, fire, EMS, public works, utilities, schools, or any other disciplines within your jurisdiction that utilize radio communications.

Currently, Police, Fire, Public Works, Transit, and Schools using the existing VHF system rely on early 90's technology subscriber equipment with minimal upgrades since that time. Most equipment will not narrow-band (including existing base stations) when the implementation of the new 800 Mhz system is in place. As it exists today, there is equipment in service that works only on the city communication system and will not operate outside of jurisdiction as surrounding systems have already narrow-banded to meet FCC regulations.

**Project Plan (9, 10, and 11, must correspond with the project plan on the submission form)**

9. Please describe your project and its goals. Include supporting documentation that would help provide details about the project scope (*Example: system drawings, engineering reports, etc.*).

The goals of this project are to continue to interoperate with FCC compliant jurisdictions, enhance system capabilities, and upgrade outdated core system and end user equipment. The following diagram outlines how the requested VHF upgrade will interoperate into the new 800 Mhz system:



10. Please describe how this project will be managed. How will contracts be managed? If a project manager has been assigned please provide details.

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

11. Please explain how you would achieve project success within the grant period, including the resources you would devote to this project. Include your quarterly milestones.

This project will be managed by the above mentioned team in conjunction with Motorola Solutions for implementation during the installation of the proposed 800 Mhz system. The quarterly milestones include:

- First Quarter: Purchase and installation of requested equipment.
- Second Quarter: Begin implementation and programming while beginning periodic maintenance.
- Third Quarter: Conduct scheduled maintenance
- Fourth Quarter and Extended: Continue scheduled maintenance

## Communications Grant Project Idea Attachment | 2013

12. Please explain any FCC regulatory issues related to this project and how you plan to mitigate them. Please explain if you plan to utilize existing FCC licenses and include the FCC call signs.

The narrow-banding requirement from the FCC will be mitigated via additional waivers of compliance until the new system is implemented. All existing VHF licenses will be utilized in this project which includes: KIA408, KIG279, KB79505, WQDW620

13. Please provide a detailed line item cost estimate (aka, budget) for the entire amount requested. Include details about how you arrived at the cost: vendor list pricing, an existing contract, a consultant study, best guess, state contract price/MSRP, etc. Please show which jurisdictions will receive which pieces of equipment and include supporting documentation for your estimate.

- VHF TRANSMIT ANTENNA SYSTEM **\$5,186.00**
  - OMNI, MEANDER COLLINEAR, 6.0 DBD, 150-160 MHZ, PIM RATED
  - LDF4-50A CABLE: 1/2" LDF HELIAX POLY JKT PER FOOT
  - L4TDM-PSA 7-16 DIN MALE PS FOR 1/2 IN CABLE
  - 221213 CABLE WRAP WEATHERPROOFING
  - AVA5-50 CABLE: 7/8" AVA HELIAX POLY JKT PER FOOT
  - 7/8" 7-16 DIN FEMALE POSITIVE STOP CONNECTOR
  - SG78-06B2A GROUNDING KIT FOR 7/8 IN COAXIAL CABLE
  - L5SGRIP 7/8" SUPPORT HOIST GRIP
  - SPD, 100 TO 512MHZ, FEMALE/FEMALE CONNECTOR, PIM RATED
  - LDF4-50A CABLE: 1/2" LDF HELIAX POLY JKT PER FOOT
  - L4TDM-PSA 7-16 DIN MALE PS FOR 1/2 IN CABLE
  
- VHF RECEIVE ANTENNA SYSTEM **\$5,146.00**
  - OMNI, MEANDER COLLINEAR, 6.0 DBD, 150-160 MHZ, PIM RATED
  - LDF4-50A CABLE: 1/2" LDF HELIAX POLY JKT PER FOOT
  - L4TNM-PSA TYPE N MALE PS FOR 1/2 IN CABLE
  - L4TDM-PSA 7-16 DIN MALE PS FOR 1/2 IN CABLE
  - 221213 CABLE WRAP WEATHERPROOFING
  - AVA5-50 CABLE: 7/8" AVA HELIAX POLY JKT PER FOOT
  - 7/8" TYPE N FEMALE POSITIVE STOP CONNECTOR
  - SG78-06B2A GROUNDING KIT FOR 7/8 IN COAXIAL CABLE
  - L5SGRIP 7/8" SUPPORT HOIST GRIP
  - RF SPD, 125-1000MHZ DC BLOCK FLANGE MT NM ANTENNA, NF EQUIPMENT SIDE
  - FSJ4-50B CABLE: 1/2" SUPERFLEX POLY JKT PER FOOT
  - F4PNMV2-HC 1/2" TYPE N MALE PLATED CONNECTOR
  
- INSTALLATION OF VHF ANTENNA SYSTEM **\$7,415.00**
  
- VHF BASE STATIONS Quantity 3 @\$9,075.00 EA **\$27,225.00**
  - MTR 3000 BASE RADIO

## Communications Grant Project Idea Attachment | 2013

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- ADD: VHF 100W POWER (136-174MHZ)
- ADD: RACK MOUNT HARDWARE
- ADD: MTR3000 CIRCULATOR VHF (144-160 MHZ)
- ADD: 4 WIRE WIRELINE
  
- LOW BAND BASE STATION W/ ANTENNA AND LINE FOR SIRS COMMUNICATIONS \$22,692.00
  
- APX 7000 MODEL 3.5 – DUAL BAND ENABLED, ENCRYPTION \$141,740.00
  - APX PORTABLE HARDWARE, QTY 20
  - ADD: 7/800MHZ PRIMARY BAND, QTY 20
  - ADD: VHF SECONDARY BAND, QTY 20
  - ADD: LARGE COLOR DISPLAY WITH FULL KEYPAD, QTY 20
  - ADD: ENABLE DUAL BAND OPERATION, QTY 20
  - ADD: DIGITAL CAI, QTY 20
  - ASTRO 25 TRUCKING 9600 SW, QTY 20
  - SMARTZONE OPERATION, QTY 20
  - ADD: ADVANCED SYSTEM KEY – SOFTWARE KEY, QTY 20
  - ADD: AES ENCRYPTION, QTY 20
  
- APX7000 ACESSORIES \$11,576.00
  - IMPRES SINGLE USER CHARGER, QTY 20
  - IMPRES RSM DISPLAY WITH JACK, W CHNL, QTY 20
  - IMPRES MULTI-UNIT CHARGER, QTY 2
  
- DUAL BAND BASE STATIONS AND INSTALLATION, QTY 5 \$59,000
  
- **GRAND TOTAL** **\$291,780.00**

14. Detail each class of item requested as listed on the Approved Equipment List (AEL). Supply the corresponding AEL equipment number. *(A link to the AEL is available on page 1 of this document. Please contact your VDEM regional grants specialist with any questions concerning items not on the list.)*

- Antenna Systems (06CP-03-TOWR Systems, Antenna and Tower)
- Base Stations (06CP-01-BASE Radio, Base)
- Subscribers - Portables (06CP-01-PORT Radio, Portable)
- Subscriber Accessories (06CP-03-PRAC Accessories, Portable Radio)

15. Have you requested additional capacity or capabilities that go beyond what is necessary to accomplish the goals of this project? If so, please explain.

NO

16. Describe how this project would positively impact your day-to-day operations and mutual aid response.

It is currently a daily occurrence that mutual aid response takes place in and out of the City of Winchester (795 calls for service in 2012). This project will continue to support the communications needs of all jurisdictions that interoperate on the VHF spectrum in a narrow-band capacity and with added built-in safety features such as EA activation.

17. Describe other secondary benefits to your jurisdiction's communications infrastructure that would be realized by completing this project. Examples would be improved coverage, narrowband compliance, improved redundancy, improved reliability, manufacturer support, or other factors. Please be detailed and provide any supporting documentation.

This project will achieve narrow-band compliance, updated technology that enhances reliability and safety, updated obsolete equipment, improved operations that utilizes increased system capabilities such as trunking technology.

18. If towers and site work are required as part of this project, please include how any potential hurdles will be overcome and how any risks would be mitigated. Please include information about tower ownership, tower loading, lease agreements, environmental impact, and any other relevant information.

Not Applicable

19. Please detail any **NEW** regional consolidation that will result from this project.

Not Applicable

20. Explain any planning or engineering activities that have taken place so far. If applicable, please include supporting documentation.

The design of the new 800 Mhz system that includes the VHF interoperability component is underway by Motorola Solutions.

21. Explain what activities have taken place to identify this project as the most cost effective, technologically feasible concept. Please include any potential cost savings that will be realized by implementing this project.

The implementation of this project will allow the City of Winchester to continue the use of mutual aid resources and will allow those jurisdictions to utilize their existing equipment to interoperate without additional costs associated.

### Past Grants

22. Is this project a continuation of a previous grant initiative that has not yet been completed or closed? If so, please explain. Please include how the projects will be segregated to avoid any conflicts in grant funds or other regulatory issues.

NO

B-2013-44

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

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

RESOLUTION XX ORDINANCE \_\_\_ PUBLIC HEARING \_\_\_

ITEM TITLE: Resolution to recognize Nayshon Cook

STAFF RECOMMENDATION: Council adopt resolution

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: No additional funds needed

INSURANCE: N/A

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. City Manager		_____	9-3-13
7. Clerk of Council	_____	_____	_____
Initiating Department Director's Signature:		_____	9/23/13
			Date



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



# Winchester Police Department

KEVIN L. SANZENBACHER  
CHIEF OF POLICE

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

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

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

**FROM:** Chief Kevin L. Sanzenbacher

**SUBJECT:** Citizen Commendation Award

**DATE:** August 23, 2013

## BACKGROUND

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

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

## RECOMMENDATION

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

## **RESOLUTION TO RECOGNIZE NAYSHON COOK**

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

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

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

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

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

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

**CITY OF WINCHESTER, VIRGINIA**

**PROPOSED CITY COUNCIL AGENDA ITEM**

**CITY COUNCIL/COMMITTEE MEETING OF: October 8, 2013 CUT OFF DATE: 9/17/13**

**RESOLUTION\_\_ ORDINANCE XX PUBLIC HEARING \_\_**

**ITEM TITLE:** Photo Monitoring System to Enforce Traffic Light Signals

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

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

**ADVISORY BOARD RECOMMENDATION:** N/A

**FUNDING DATA:** N/A

**INSURANCE:**N/A

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Public Works Administrator	<u>FE</u>	_____	<u>9/12/13</u>
2. Director of Finance	<u>DS</u>	_____	<u>9-11-13</u>
3. _____	_____	_____	_____
4. _____	_____	_____	<u>9/12/2010</u>
5. City Attorney	<u>[Signature]</u>	_____	_____
6. City Manager	<u>[Signature]</u>	_____	<u>9-12-13</u>
7. Clerk of Council	_____	_____	_____
Initiating Department Director's Signature:	<u>[Signature]</u>	_____	<u>9/14/13</u> Date



**APPROVED AS TO FORM:**

[Signature] 9/12/2013  
CITY ATTORNEY

Revised: September 28, 2009

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Chief Kevin L. Sanzenbacher  
**Date:** Original April 15, 2013 Revised report September 9, 2013  
**Re:** Re Light Enforcement System

**THE ISSUE:** Red light violations can be one of the most dangerous traffic infractions facing any community. These infractions can also be one of the most difficult for police officers to enforce. Modern technology has provided a way to electronically monitor and take enforcement action on these violations. This system, known as photo-monitoring, digitally records violations when they occur and then passes these photo files onto law enforcement for review and issuance of citations, if warranted. We would like to implement one of these systems in Winchester.

**RELATIONSHIP TO STRATEGIC PLAN:** Develop a High-Performing City Organization

**BACKGROUND:** Red light violations can be very difficult to enforce because judges want officers to be able to testify that they observed the light indicating red for the travel lane of the violator. Unless the officer is behind the violator, or can see the signal from the side, judges will not convict without this testimony. This makes it very difficult for officers to target problem intersections with stationary patrol. Even if enforcement were easier there is only so much time officers can dedicate to red light enforcement. Of the violations written over the last five (5) years only about 4% were red light violations.

The photo-monitoring systems, which operates 24/7/365, photographs and videos vehicles both at the time the light changes from yellow to red and fractions of a second after the light turns red in their lane. The violation is captured when someone enters the intersection .5 seconds (per Virginia law) after the light changes. These captured violations are then reviewed by the vendor to make sure they are in compliance with pre-established business rules. These files are then transmitted to the police to be reviewed by a sworn officer. The officer then applies their own business rules to each violation to determine if a summons is issued to the owner of the vehicle. This process, as well as the \$50 fine, are all regulated by VA state law. There are a number of communities in Virginia and throughout the country using similar systems at this time.

State law only allows one intersection per 10,000 population to be monitored. Winchester would be eligible to have 2 intersections monitored under this standard. We have looked at crash data from various intersections throughout the City and decided to conduct tests on the capture system at several locations based on that data. A prospective vendor, without obligation to the City, then conducted a survey of those intersections. From that survey it was determined that the following intersections would be the most appropriate location for the initial deployment of cameras:

Pleasant Valley and Berryville  
Pleasant Valley and Jubal Early.

This selection was based on the high number of violations for both "through" violations and "right turn on red" violations. These two intersections accounted for over 300 violations in a 12 hour period.

**BUDGET IMPACT:** This action requires no funds to be expended by the City. The vendor would recapture their costs through the imposition of fines. Any fines collected in excess of the monthly fee charged by the vendor would be passed on to the City each month. If fines did not cover the monthly expense to the vendor then the deficit would be carried forward to be charged off the next month's proceeds, if any. If the City ended the contract in a deficit situation the deficit would be cleared by the vendor, therefore the expense of the system would be cost neutral to the City.

**DISCUSSION:** These camera systems have resulted in a negative community perception in other locales as they have been seen as an unfair means of taxing the citizenry and an invasion of privacy. We do not feel this would occur in Winchester. This is due to the fact that unlike other states, Virginia limits the number of cameras and the amount of fines. The maximum allowable fine is \$50.00. This is considered a civil penalty, and does not include any points to be issued against the driver's motor vehicle record or car insurance. Although not cheap, this is far less than fines in other jurisdictions and compatible with

finances associated with other moving violations. The State of Virginia also limits the number of intersections in which a jurisdiction may deploy cameras. Winchester is limited to two (2) intersections.

Also by focusing on high accident intersections our emphasis is on making the streets of Winchester safer- not in raising revenue. Finally, the State has prohibited the capture of images of drivers, only the rear of the violating vehicle and its tag will be captured. There are also penalties included for the release of any information captured by the system. These safeguards should protect the privacy rights of our citizens and alleviate concerns.

UPDATE:

This report was first brought to Council at the work session on May 21, 2013. At that time there were a number of questions raised by Council and citizens. The following is our efforts to try and respond to these questions:

- a. **Do we have any statistical data showing how the accidents at these intersections compare to other locations in the City?**

JUBAL EARLY/PLEASANT VALLEY

In 2011 Jubal Early and PVR accounted for 11 of our 141(7.8%) intersection crashes. Only Apple Blossom and Jubal Early had a higher rate N=12. In 2012 this intersection had the most collisions at 10 of 125 or 8%.

PLEASANT VALLEY/BERRYVILLE

In 2011 this intersection accounted for 4 of 141 crashes or 2.8%. This ranked it 11<sup>th</sup> among all intersection crashes. In 2012 this intersection ranked 3<sup>rd</sup> with 5 of 125 crashes or 4%.

- b. **Do we know how many of these accidents are attributable to people running red lights?**

In 2011 24 (4.9%) people were cited for "disregard stop/go light" out of 485 citations issued for collisions. This ranked 6<sup>th</sup> in number out of 36 categories. Right away and following too close received the highest number of citations. These citations cannot be attributed to the intersections in question as those statistics are not captured.

In 2012" disregard stop/go light accounted for 5.6% of collision tickets issued.

- c. **Do we know what measures (if any) the Police have taken to address the problem (placing an officer at the red light to monitor for violators, etc.)?**

As I stated in my previous report red light enforcement is extremely difficult. Judges want officers to be able to testify that they observed the light turn red in the offenders lane. Unless the officer is directly behind the offender these observations are hard to make. Despite these difficulties in 2011 the WPD issued 213 red light violations or 4% of total citations issued and in 2012 we issued 187 or 3.1 % of total citations issued.

- d. **Do we know how many red light tickets have been written for violators running these lights?**

JUBAL EARLY/PLEASANT VALLEY

In the period of 2011-2012 100 citations were written at this intersection. 15 of those citations were specifically for violations related to not stopping for the red light.

PLEASANT VALLEY/BERRYVILLE

In the 2011-2012 period 33 citations were written at this intersection. 4 were specific charges for not stopping at the red lights.

- e. **Are there actually studies that show that Red Light Cameras increase accidents?**

It is correct that there are several studies that do indicate that accidents do increase at intersections with red light cameras. Most of these studies indicate that the type of collision that occurs are rear end collisions where the trailing car will run into the car making a quick stop for a red light. This type of collision can also

occur when there is a police car visible at the intersection. These studies also indicate that the T-bone type crash is reduced. These are the accidents that usually result in far greater injuries and death.

There are many conflicting reports on this issue and many statistics can be produced that often seem to conflict with each other, but the primary finding on most of them is the more serious type of collision is usually reduced. I have attached a report from the Insurance Institute for Highway Safety (IIHS), which is an independent organization that has conducted a long-term study on red light cameras. Their conclusion was that in 12 of 14 cities using red light cameras fatal crash rates were down. In 11 of the 14 cities the total crashes were down compared to the period of time prior to the installation of the cameras.

**f. How have these concerns been addressed in other localities?**

We are not unique. There are a number of other jurisdiction in Virginia and throughout the country using cameras to enforce red light violation. The most prominent locales in Virginia are Newport News., Virginia Beach and Chesterfield. Also the IIHS study highlights other states using red light cameras.

**g. Do we (the city) have the engineering in place at these intersections to support Red Light camera technology?**

Please see the following response form Director Eisenach to this question:

*In general, yes, our signal equipment at these intersections will support the red light camera technology. With that said, if the red light cameras were to enforce vehicles turning right that do not stop on red, we would need to add a signal head on southbound Pleasant Valley at Jubal Early so that there is a separate signal head specifically for the right turn lane. This would be relatively easy to accomplish. If the red light cameras only enforce the straight-thru movements at the intersections, we would not need to make any modifications.*

The reported cost of these modifications would be approximately \$2500.

**h. Comments from citizens expressing concerns about the systems as captured in the Council meeting minutes:**

1. The system will be used as a surveillance tool to provide citizen information to government agencies.

**Response-** The data gathered will be held by the private vendor. The ordinance as drafted and the authorizing State law assign fines of up to \$1,000 for disclosure of information without legal justification. Also, as noted above, pictures will only be captured of the rear of vehicles, not the operators or passenger faces.

2. Concerns were expressed about the use of Redflex as the vendor.

**Response-** If the ordinance is approved by Council an RFP will be issued soliciting bids from multiple companies. As per procurement law the bid for this project will be used to select the vendor giving the City must the most favorable terms and most comprehensive submittal.

3. The camera systems do not promote safety as advertised, but actually result in more collisions.

**Response-** See e. above

RECOMMENDATIONS: Staff recommends that the Common Council adopt the ordinance as proposed.

# STATUS REPORT

SPECIAL ISSUE: RED LIGHT RUNNING

INSURANCE INSTITUTE  
FOR HIGHWAY SAFETY

Vol. 46, No. 1, Feb. 1, 2011

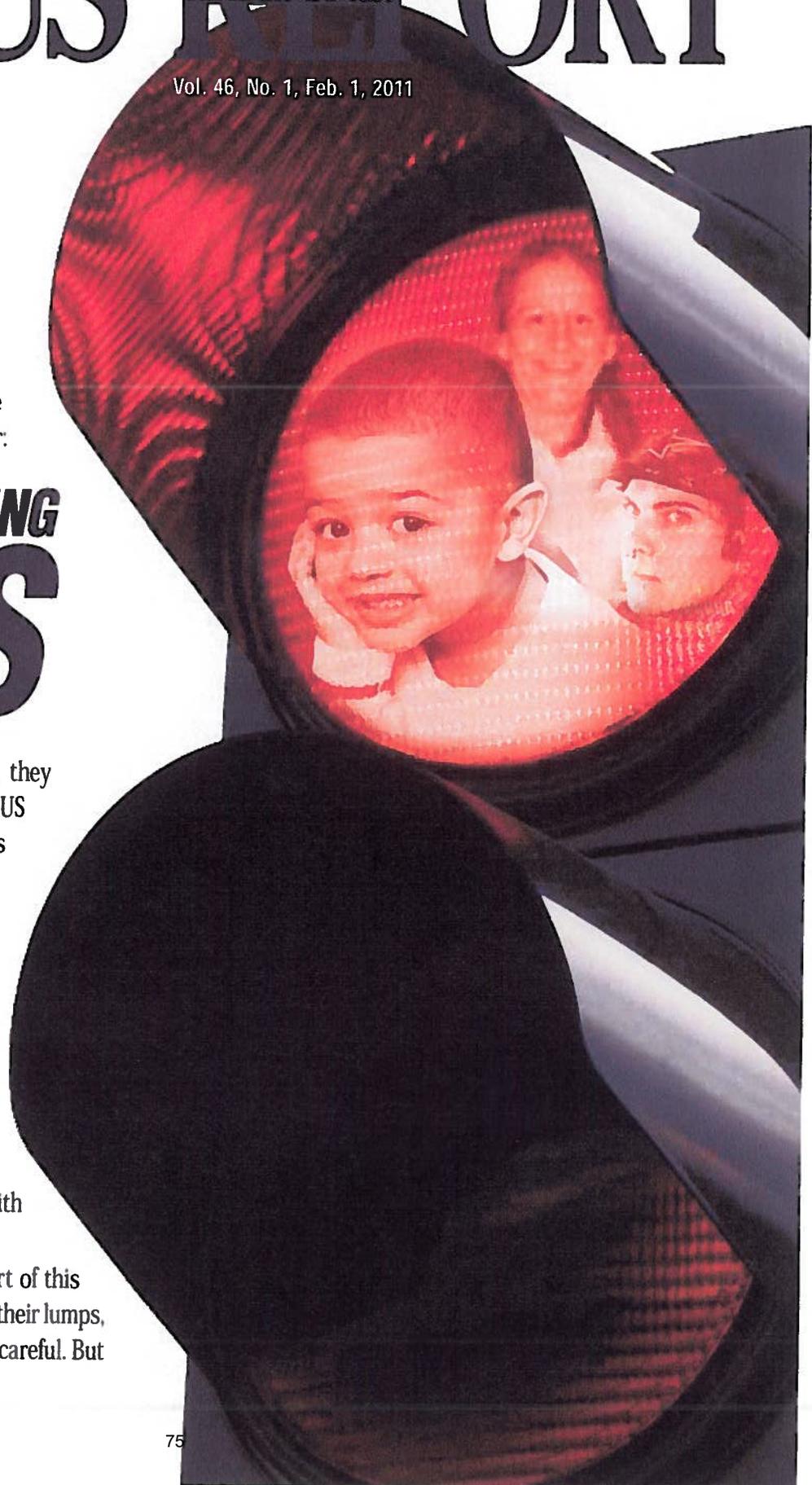
The red light runners think they've been wronged. They're convinced that the cameras documenting their violations are nothing more than a scheme to pick the pockets of motorists. The truth is simpler:

## **RED LIGHT RUNNING KILLS**

and red light cameras save lives. In fact, they saved 159 lives in 2004-08 in the 14 biggest US cities with cameras, a new Institute analysis shows. If cameras had been operating during that period in all cities with populations of more than 200,000, a total of 815 fewer people would have died.

Camera opponents don't acknowledge the connection between those whose red light running sets off a benign flash and those who cause a deadly collision. Instead, they argue about "big brother" and equate fines for violations with taxes on drivers.

Not everyone who runs a red light is part of this group. No doubt, most violators calmly take their lumps, paying their tickets and vowing to be more careful. But



a vocal minority get angry, and their outrage gets broadcast on the internet, magnified by the media, and channeled into campaigns to ban red light cameras on the local or state level. When officials try to assure the public that cameras are about safety, not revenue, they are all but drowned out by the protests of these aggrieved drivers.

"Somehow, the people who get tickets because they have broken the law have been cast as the victims," says Institute president Adrian Lund. "We rarely hear about the real victims — the people who are killed or injured by these lawbreakers."

People like Deborah Parsons-Mason, a California mother of 4 who was fatally hit by a red light runner while crossing the street near her home. Or Marcus May-Cook, who was sleeping in his car seat when a red light runner ended his life after only 3 years. Or Jacy Good, who was permanently disabled and lost both her parents in a red light running crash just hours after her college graduation. The Institute is highlighting their stories and others on these pages to bring the discussion back to the real victims.

Red light running killed 676 people and injured an estimated 113,000 in 2009. Nearly two-thirds of the deaths were people other than the red light running drivers — occupants of other vehicles, passengers in the red light runners' vehicles, bicyclists, or pedestrians.

Since the 1990s, communities have used red light cameras as a low-cost way to police intersections. The number of cities embracing the technology has swelled from just 25 in 2000 to about 500 today.

Without cameras, enforcement is difficult and often dangerous. In order to stop a red light runner, officers usually have to follow the vehicle through the red light, endangering themselves as well as other motorists and pedestrians.

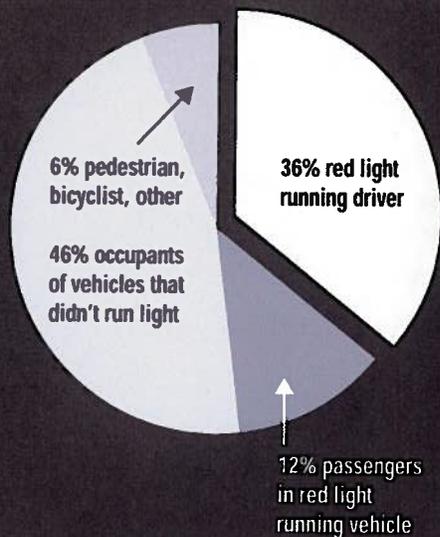
Moreover, the manpower required to police intersections on a regular basis would make it prohibitively expensive. In contrast, camera programs can pay for themselves by requiring people who break the law to shoulder the cost of enforcing it.

"The cities that have the courage to use red light cameras despite the political backlash are saving lives," Lund says. "If they are able to recover some of their traffic enforcement costs at the same time, what's wrong with that?"

Previous research has established that red light cameras deter would-be violators and reduce crashes at intersections with signals. Institute studies of camera programs have found that red light violations fell at intersections where cameras were installed (see *Status Report*, March 7, 1998, Dec. 5, 1998, and Jan. 27, 2007; on the web at [iihs.org](http://iihs.org)). In two of those studies, researchers also looked at traffic lights without cameras and found the decrease in violations spilled over from the camera-equipped intersections. In Oxnard, Calif., injury crashes at intersections with traffic signals fell 29 percent citywide after automated enforcement began (see *Status Report*, April 28, 2001; on the web at [iihs.org](http://iihs.org)).

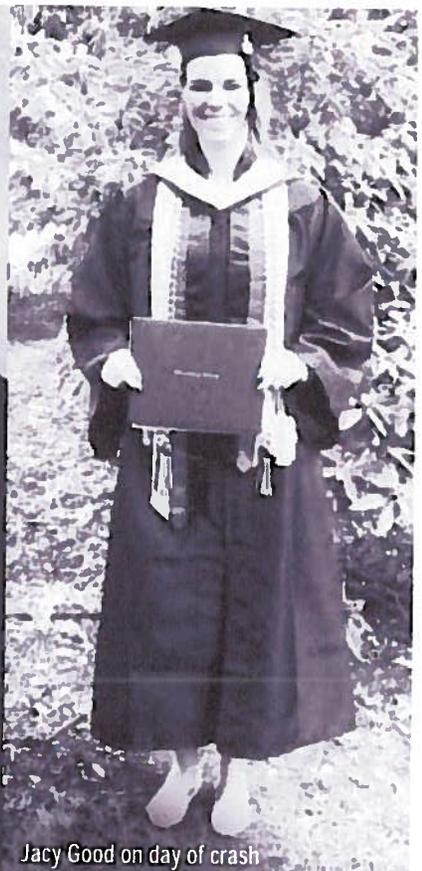
The Institute's latest study provides powerful confirmation of the benefits of cameras, showing they reduce deaths throughout entire communities. Looking at US cities with populations (continues on p. 6)

### RED LIGHT RUNNING DEATHS 2009, BY TYPE OF ROAD USER





Clockwise from left, Jean, Jay, Jared, and Jacy Good



Jacy Good on day of crash

**JEAN GOOD AND JAY GOOD, 58**  
**MAIDENCREEK TOWNSHIP, PENNSYLVANIA**

Hours after Jacy Good's graduation from Muhlenberg College in Allentown, Pa., she and her parents packed the family's 1989 Oldsmobile station wagon, strapped a sofa to the roof, and headed home to Lititz, a tiny Lancaster County town.

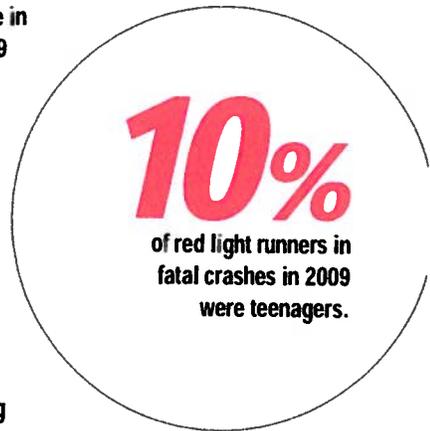
At 21, Good felt on top of the world. She planned to spend a few weeks at home before going to New York, where a job with Habitat for Humanity awaited. Her mother, a middle school English teacher, and her father, a foundry mechanic, were both brimming with pride.

Nearly halfway into their 70-mile trip, a chain-reaction crash set off by a red light runner sent a tractor-trailer into the opposite lane and into their car. Jay Good, who was at the wheel, and Jean Good, who rode in back and wasn't using a safety belt, died at the scene. Jacy Good, who was in the front seat, was left with a traumatic brain injury, partially collapsed lungs, a lacerated liver, 2 damaged carotid arteries, a shattered pelvis, and other injuries.

Weeks later, after she regained consciousness, Good began to learn the details of the crash. The driver of the minivan that sailed through the red light, causing the tractor-trailer to veer into the Goods' station wagon, was 18 years old, had 2 teenage passengers and, according to police, was using his cellphone when the crash occurred. He was cited for careless driving and running a red light and paid \$662 in fines and other costs.

Good believes the cellphone was to blame in the May 18, 2008, tragedy. "There's no question in my mind that there would have been no accident if he had not been on his cellphone," she says.

Now 24, Good expects to wear an ankle brace for the rest of her life. She had surgery last summer to recover some function in her limp left arm. Meanwhile, she's become an outspoken campaigner against distracted driving, lobbying lawmakers, appearing on the Oprah Winfrey Show, and addressing high school students. Her activism is in part a way to honor her mother and father's memory, Good says. "I know if the roles were switched, this is what my parents would be doing for me."



## **BILLY RAY SPENCE, 64 LUBBOCK, TEXAS**

"What're you boys doin'?" That's what Billy Ray Spence, better known as Billy Kool, would say when he walked into a room. And when he did, you knew the party was about to get started. Spence, a heavy equipment operator who moonlighted as a bartender, was a captivating storyteller, jokester, poker player, and briefly married bachelor who lived just down the street from his elderly mother in Lubbock, Texas. He was killed at age 64 while running an errand on the afternoon of Nov. 11, 2008.

His red 1996 Jaguar XJ6 was broadsided by a Ford Explorer whose driver ran a red light. The driver of the Explorer, Marcelo Perez Jr., 35, was charged with manslaughter. Perez, who tested negative for alcohol and drugs, was no stranger to that intersection: He had been in another crash there just weeks earlier, leading to a charge against him of failing to stop and render aid.

Perez died of an unrelated condition before either case could be resolved.

Sandra Johnson says her big brother went off to the Air Force in the 1960s as Billy Spence, but returned as Billy Kool. His name for everyone — or, at least, everyone he liked — was "Ace." Billy Kool's ability to tell a story made him the life of the party. Johnson says he could captivate an audience of grown men with a card trick or a story about three little bears.

Spence retired, but never stayed that way for long. "He would always say, 'I just want to be home with nothing on but the TV,'" Johnson recalls. "And then when he'd go back to work, he'd say, 'I felt like putting clothes on, so I went back to work.'"



Billy Ray Spence

## **SHANE KIESER, 19 LAS VEGAS, NEVADA**

Shane Kieser loved wheels, and he loved adrenaline. When he wasn't racing at the BMX bicycle track, he was often doing stunts in the concrete bowl near his home in Las Vegas. His mother gave him his own insurance card in case she was at work the next time he landed on his face.

When Kieser got a motorcycle, his mother, Terri, wasn't thrilled but she took it in stride. Shane knew the risks and never rode without a helmet.

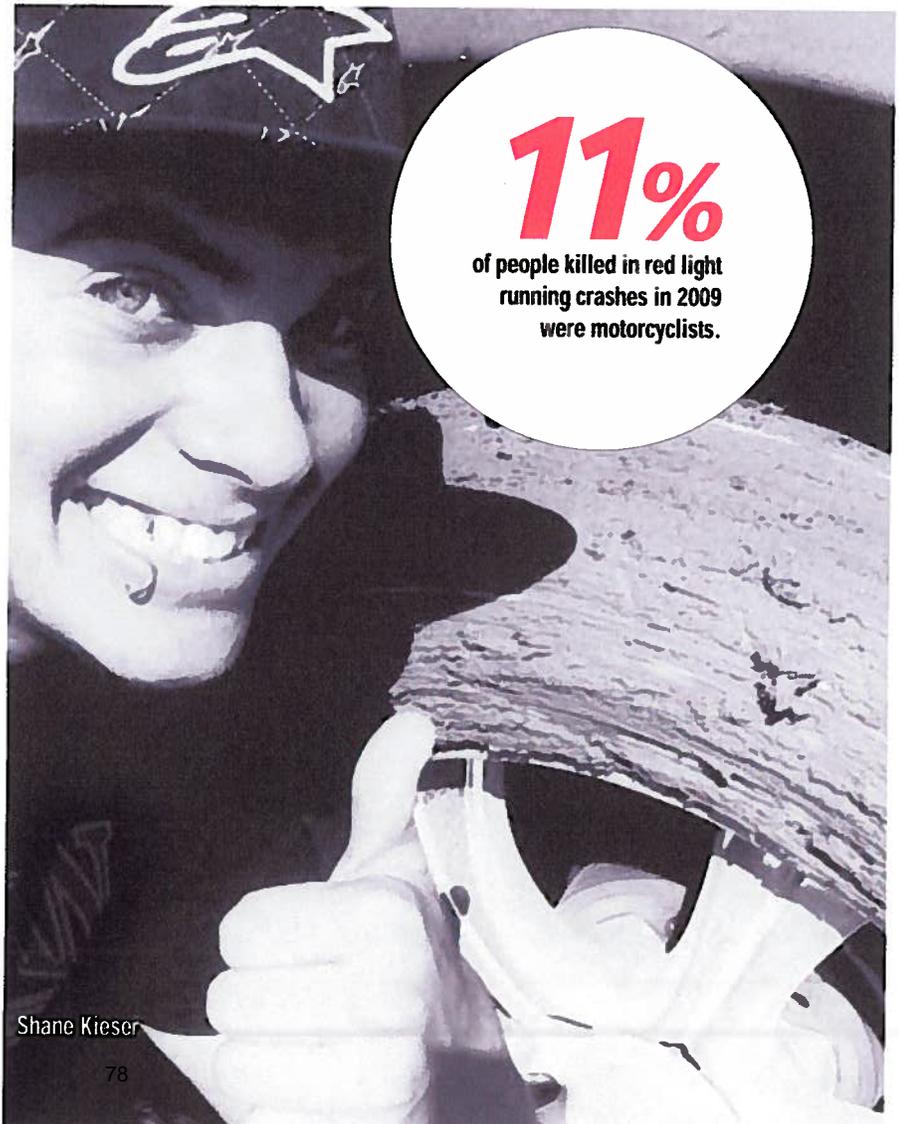
Early on the morning of Aug. 19, 2008, Kieser and his girlfriend headed to Walmart. They were night owls, says his mother, and "unfortunately, in Vegas everything is open at all hours of the day."

At 5:30 am, Kieser's 1994 Honda CBR slammed into a Toyota Corolla, killing him and injuring his girlfriend. The Corolla's driver wasn't hurt. Police say 3 witnesses saw the motorcycle go through a red light. Terri Kieser says that doesn't square with what she knows about her son.

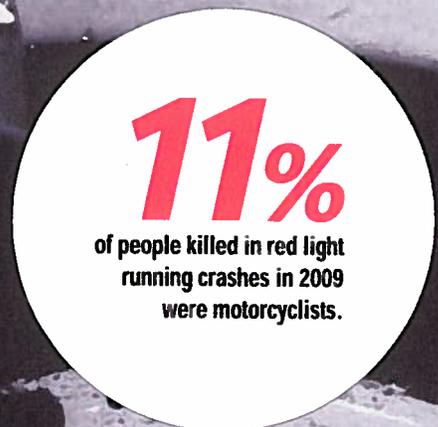
"I was always the first to go, 'What did Shane do?'" she says with a laugh, before turning serious. "But I want to say no. No. Maybe a yellow that he felt he couldn't safely stop at. But running a red with his girlfriend on the back? Never. Shane would never be crazy with somebody else's life."

An aspiring mechanic, Shane was known for his goofy sense of humor. "Birthday parties — the candles were usually up his nose like a walrus," his mother says.

Every year on his birthday, Terri Kieser invites Shane's friends to a nearby mountain where he loved to ride his bike. She brings along homemade waffles — his favorite.



Shane Kieser



### **MARCUS MAY-COOK, 3** **LANSING, MICHIGAN**

Mindy Cook still can hear her little boy saying, "Mommy, I want you," the way he used to, his arms raised over his head so that she would scoop him up.

Marcus May-Cook was just 3 when he died on Aug. 10, 2008. Two days before, a 17-year-old unlicensed driver broadsided the car Marcus was riding in near his home in Lansing. Police determined that the teenage driver, Brianca Alexander, had gone through a red light. Marcus was asleep when it happened and never woke up.

"I see no end to this grief," Cook wrote in a letter she read at Alexander's sentencing hearing last September, more than 2 years after Marcus' death.

Alexander, who pleaded guilty to driving without a valid license, causing death, was sentenced to 2 ½ to 15 years in prison. Her mother received a year in jail with work release for allowing her daughter, who never had so much as a learner's permit, to take the car.

Marcus was an exuberant little boy who was convinced he would grow up to be Spider-Man. He wore a Spider-Man costume on Halloween — and kept wearing it long after the candy was gone. He even tried to climb the walls like the superhero, knocking over a shelf once in the process.

Cook knows that Marcus would have been excited to start kindergarten this past fall. He often imagined heading to school just like big sister Makyla. When their mother packed Makyla's lunch, Marcus insisted on one to carry to his grandmother's house, where he stayed while his mom was at work.

On the Friday of the crash, Marcus and his sister were riding along as their aunt drove their grandmother to her part-time job. Their cousin was in the back seat with them.

Cook was at work when she got the call shortly before 5 pm. When she saw Marcus at the hospital, he didn't look injured, but his brain had been severely damaged. By Sunday, tests confirmed that nothing could save him.

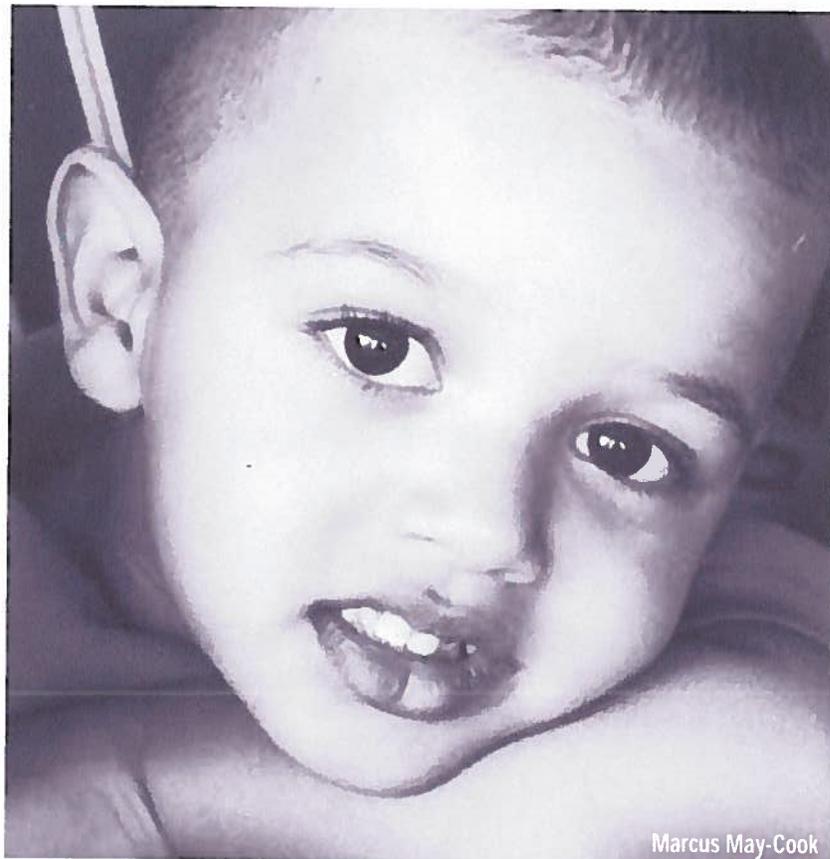
Cook's mother, who was riding in front, had a fractured skull and other injuries. She is no longer able to work. Makyla, who was 6, was injured but recovered. She and her cousin were riding in boosters, while Marcus was buckled in a child restraint.

Cook now has another son and says 1-year-old Marriion has begun to recognize his brother in photographs.

"Marcus," says Cook, "is always talked about."

**22%**

of red light runners in fatal crashes in 2009 were driving without licenses.



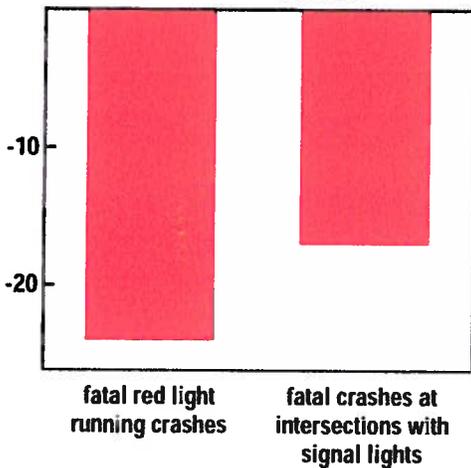
Marcus May-Cook



(continued from p. 2) over 200,000, the researchers compared those with red light camera programs to those without. Because they wanted to see how the rate of fatal crashes changed after the introduction of cameras, they compared two periods, 2004-08 and 1992-96. Cities that had cameras during 1992-96 were excluded from the analysis, as were cities that had cameras for only part of the later study period.

Researchers found that in the 14 cities that had cameras during 2004-08, the combined per capita rate of fatal red light run-

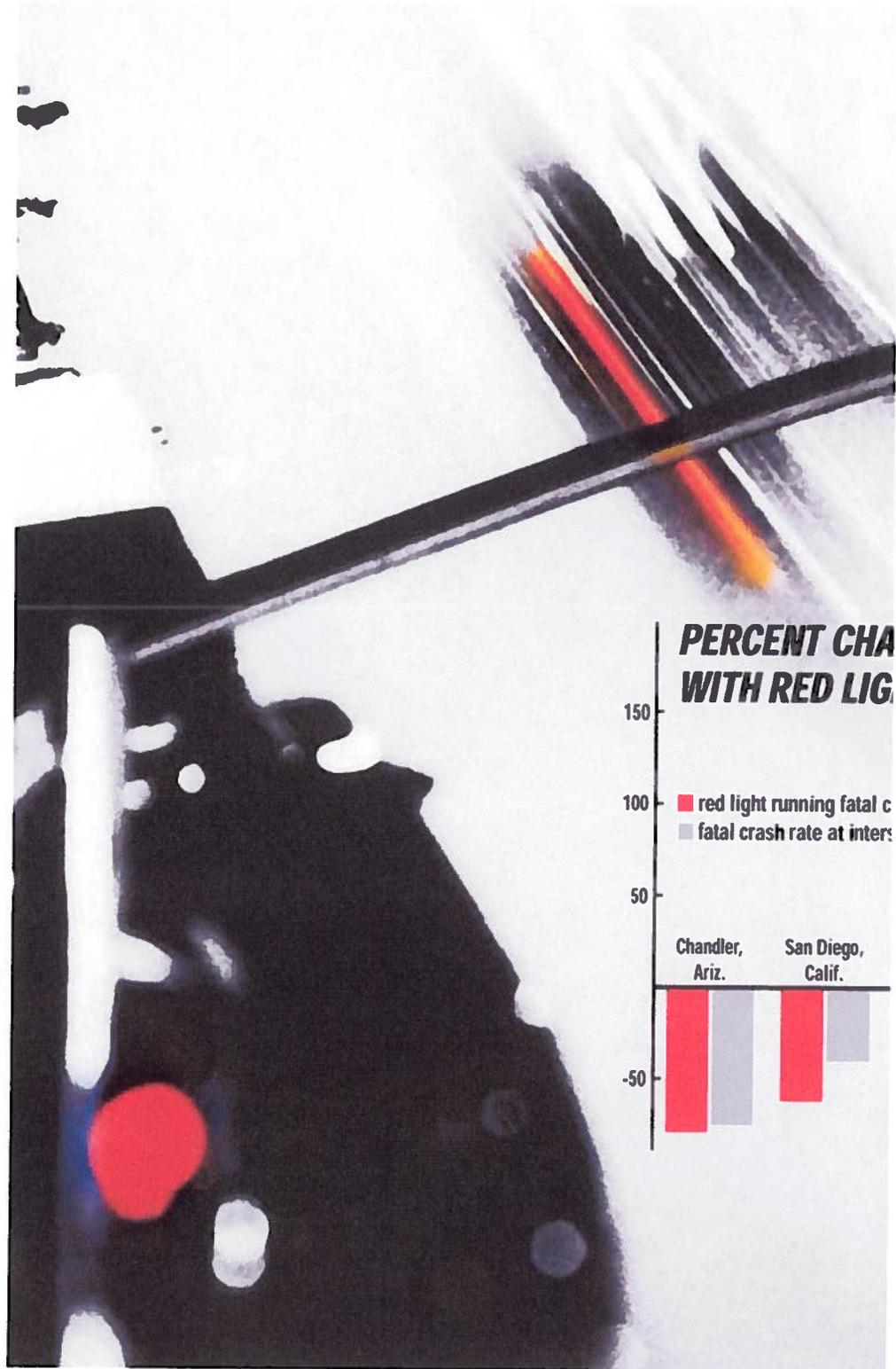
**PERCENT DIFFERENCES IN ACTUAL CRASH RATES DURING 2004-08 IN CITIES WITH RED LIGHT CAMERAS VS. EXPECTED RATES WITHOUT CAMERAS**



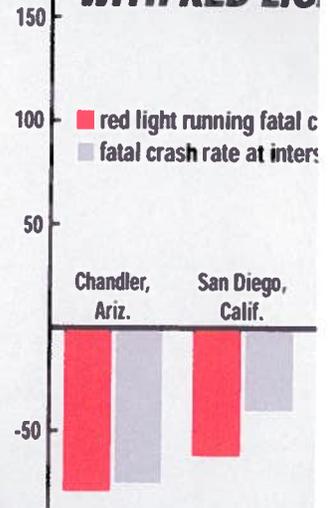
ning crashes fell 35 percent, compared with 1992-96. The rate also fell in the 48 cities without camera programs in either period, but only by 14 percent.

The rate of fatal red light running crashes in cities with cameras in 2004-08 was 24 percent lower than it would have been without cameras. That adds up to 74 fewer fatal red light running crashes or, given the average number of fatalities per red light running crash, approximately 83 lives saved.

That's a substantial benefit, but the actual benefit is even bigger. Red light cameras also reduce fatal intersection crashes that aren't attributed to red light running. One possible reason for this is that red light running fatalities are undercounted due to a



**PERCENT CHANGE IN FATAL CRASH RATES WITH RED LIGHT CAMERAS**



lack of witnesses to explain what happened in a crash. Drivers also may be more cautious in general when they know cameras are around.

The rate of all fatal crashes at intersections with signals — not just red light running crashes — fell 14 percent in the camera cities and crept up 2 percent in the noncamera cities. In the camera cities, there were 17 percent fewer fatal crashes per capita at in-

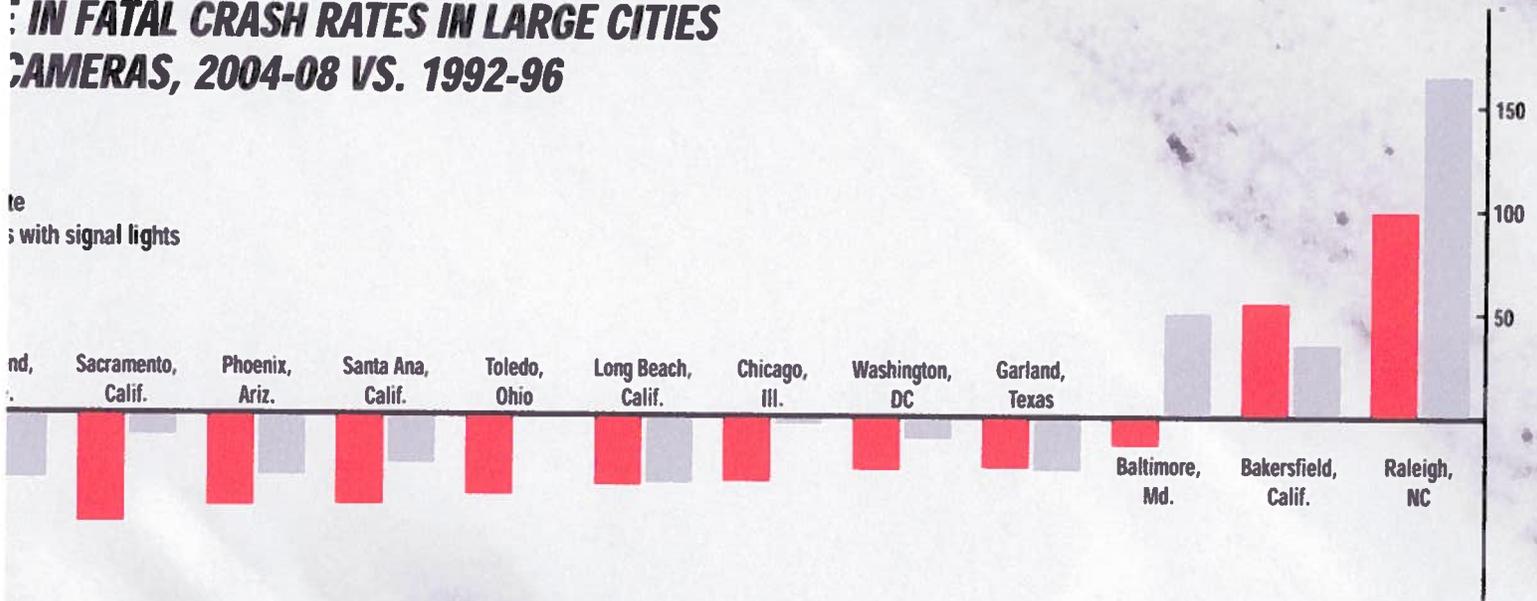
tersections with signals in 2004-08 than would have been expected. That translates into 159 people who are alive because of those automated enforcement programs.

If red light cameras had been in place for all 5 years in all 99 US cities with populations over 200,000, a total of 815 deaths could have been avoided.

"Examining a large group of cities over several years allowed us to take a close look

## IN FATAL CRASH RATES IN LARGE CITIES CAMERAS, 2004-08 VS. 1992-96

te  
s with signal lights



at the most serious crashes, the ones that claim people's lives," says Anne McCartt, Institute senior vice president for research and a co-author of the study. "Our analysis shows that red light cameras are making intersections safer."

Results in each of the 14 camera cities varied. The biggest drop in the rate of fatal red light running crashes came in Chandler, Ariz., where the decline was 79 percent.

Two cities, Raleigh, NC, and Bakersfield, Calif., experienced an increase.

"We don't know exactly why the data from Raleigh and Bakersfield didn't line up with what we found elsewhere," McCartt says. "Both cities have expanded geographically over the past two decades, and that probably has a lot to do with it."

A bigger mystery is why, in the face of mounting evidence that red light cameras

make communities safer, some people continue to resist them. Rather than feeling angry at the sight of cameras going off, red light runners should thank their lucky stars they're alive to pay their tickets.

For a copy of "Effects of red light camera enforcement on fatal crashes in large US cities" by W. Hu et al., write: Insurance Institute for Highway Safety, 1005 N. Glebe Rd., Arlington, Va. 22201, or email [publications@ihs.org](mailto:publications@ihs.org).

## CITY USES CAMERAS AS SAFETY TOOL, NOT MONEYSMAKER

If the purpose of red light cameras is to raise cash from unsuspecting drivers, officials in Springfield, Mo., did everything wrong.

Before even switching on their cameras in June 2007, traffic engineers reduced red light running by changing the length of yellow lights to make signals consistent across the city. The launch of the cameras was preceded by a major education campaign urging drivers to "respect red," and once cameras were installed their locations were clearly marked. Officials put the cameras at intersections with the biggest traffic volumes to get the message to the greatest number of drivers, though those intersections weren't necessarily where the most violations occurred.

So what happened with that easy money for the budget? Two years and eight months after the cameras were switched on, the program was \$33,000 in the red.

Fortunately for the city, making money was never the goal. Improving safety was, and by that measure, the cameras were a success. City officials say their data show red light running crashes decreased both at camera-equipped intersections and city-wide. Citations fell 36 percent to an average of 1.05 a day per camera.

Springfield traffic engineer Jason Haynes says the fact that the program didn't make money helped to maintain community support. Another plus was that the vendor operating Springfield's cameras had no vested interest in busting drivers. Instead of paying the company per violation, Springfield paid a flat fee for each camera.

The biggest key to the program's success, says Earl Newman, who recently retired as Springfield's assistant director of public works, is that the city first did all it could from a traffic engineering standpoint to reduce red light running. That meant fixing the yellow timing problem, which the city discovered as it was preparing to install the cameras. The problem stemmed from the fact that some intersections were controlled by the state and others by the city, and the state signals had longer yellow times. There was rampant red light running at the city intersections, perhaps because drivers used to state roads weren't expecting the lights to change so quickly.

Springfield and the state transportation department

worked out a compromise, lengthening the yellow phase at many signals and shortening it slightly at others. Only after giving drivers months to get used to the new times did the city switch on the cameras, which led to a further reduction in red light running.

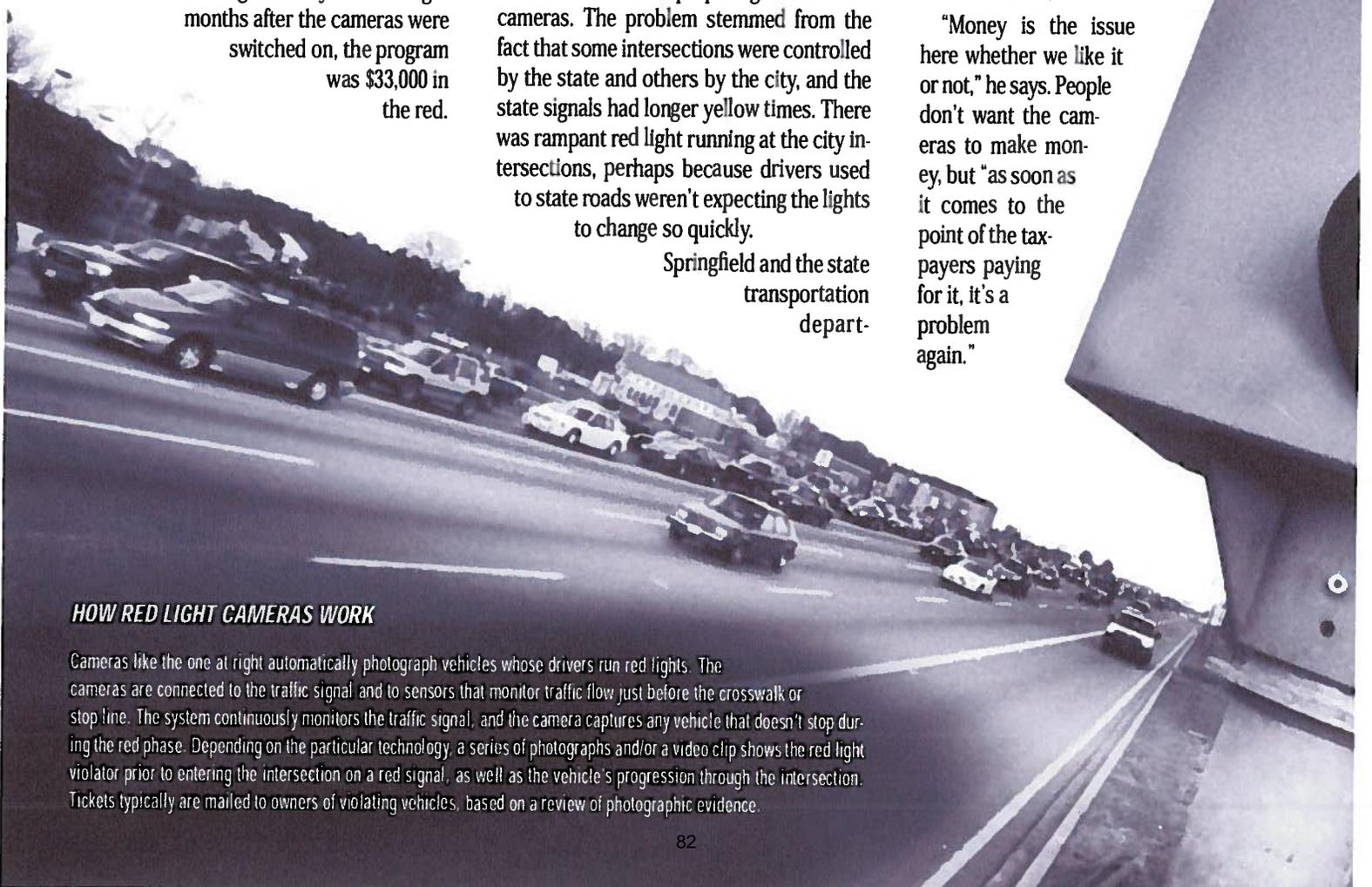
City surveys showed high support for red light cameras, but the program had determined opponents. A legal challenge brought the program to a halt last March, when the Missouri Supreme Court ruled that Springfield's administrative hearing process for contested citations was inadequate.

Haynes says the city's lawyers have come up with a fix and that a new contract for cameras is in the works. But Newman says he's not sure whether the program has much of a future now that violations have fallen so low. Too few citations could mean the red light cameras won't pay for themselves.

"Money is the issue here whether we like it or not," he says. People don't want the cameras to make money, but "as soon as it comes to the point of the taxpayers paying for it, it's a problem again."

### HOW RED LIGHT CAMERAS WORK

Cameras like the one at right automatically photograph vehicles whose drivers run red lights. The cameras are connected to the traffic signal and to sensors that monitor traffic flow just before the crosswalk or stop line. The system continuously monitors the traffic signal, and the camera captures any vehicle that doesn't stop during the red phase. Depending on the particular technology, a series of photographs and/or a video clip shows the red light violator prior to entering the intersection on a red signal, as well as the vehicle's progression through the intersection. Tickets typically are mailed to owners of violating vehicles, based on a review of photographic evidence.







**25%**

of red light runners in fatal crashes in 2009 had blood alcohol concentrations 0.08 percent or higher.

Deborah Parsons-Mason, second from right

### **DEBORAH PARSONS-MASON, 47** **SAN JOSE, CALIFORNIA**

Deborah Parsons-Mason worried about walking in her San Jose neighborhood, especially on weekend nights when the nearby bars were full. Drunk driving was a problem in the area, and the family had seen cars totaled just outside their window. The 47-year-old mother warned her 4 kids to use extra caution crossing the street.

But on a Friday 6 days before Christmas 2008, Parsons-Mason would have had her mind on other things. She had just been out shopping, and her mother was flying in the next day.

That night, Parsons-Mason walked to the corner store with her 14-year-old son, Jimmy, to buy some candy bars. On the way home, a pickup truck blew through a red light, striking Parsons-Mason in the crosswalk. As her horrified son watched, she was thrown in the air, landing in her next-door neighbor's driveway. Her husband and her other son heard the crash from inside the house and ran outside to see what had happened.

The driver, Gilberto Vasquez Reyes, 63, had a blood alcohol concentration of 0.21 percent, more than 2 1/2 times the legal limit. He pleaded no contest to vehicular manslaughter but died 5 days before sentencing. He was facing 4 to 6 years in prison.

Parsons-Mason worked as a cashier at Lucky supermarket and was heavily involved in her children's schooling, says her sister Kimberly Sabino. During their own childhood in southern California, Debi, the oldest of 3 girls, was like a second mother, says Sabino, who was the youngest and 5 years her junior.

Two years on, the family's grief is still raw. Jimmy constantly replays that night in his head, wishing he had seen the truck coming and pushed his mother out of harm's way, says Parsons-Mason's mother, Diane Courtney.

Sabino says it's hard for her to accept that Reyes, who had several prior convictions for driving under the influence, didn't face a more serious charge than manslaughter. "She wasn't just hit. She was slammed into," Sabino says.

"The way my sister was killed was murder."

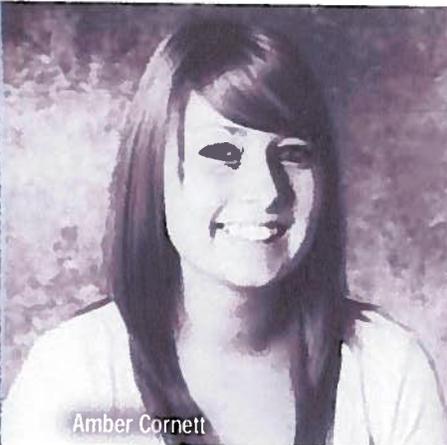


Deborah Parsons-Mason

## **COMMON THREAD BINDS CRASHES DESPITE DIFFERENT STORY LINES**

*A comment by Institute president Adrian Lund*

The fatal crashes described on these pages are all different, but they have one thing in common: Someone ran a red light. The circumstances of a particular crash may point to a deeper cause, so it's tempting to seek a deeper solution. After all, we know that red means stop. We learned that long before we learned to drive. If people disobey red lights, or simply fail to see them, we assume there's a reason. It must be because they drank too much or they're fiddling with their cellphones or they're inexperienced or reckless drivers. All those things may be true, and many of the underlying causes can and should be addressed. But we can prevent many red light running crashes, regardless of the circumstances, by using cameras to enforce the law. The fact is that the threat of a ticket makes everyone drive more carefully. The data prove it.



Amber Cornett

### **AMBER CORNETT, 16 BETHEL TOWNSHIP, OHIO**

On Nov. 22, 2008, Amber Cornett dutifully called her parents to tell them she was on her way home after spending the night at a friend's house and going out for breakfast.

Cornett was belted in the front seat when the 2003 Chevrolet Cavalier her friend was driving was broadsided by a pickup truck at an intersection in rural Bethel Township in Clark County, Ohio. She was killed just 6 days before her 17<sup>th</sup> birthday.

Cornett's friend told police she thought she had a green light. The driver and the passenger of the other vehicle insisted their light was green. A third girl who was in the Cavalier's back seat and was injured in the crash couldn't recall approaching the intersection. Police were unable to determine fault and didn't file charges.

"All we really got was no answers," says Mack Cornett, Amber's father. The daughter he lost was "every parent's dream," Cornett says. She was a good student and made friends easily. "I know she was looking forward to getting the chance to get out on her own."

On tribute pages on the web, friends remember Amber's effervescent personality. They lament that she'll never meet their new boyfriends and confide that they can't bear to delete her number from their cellphones.

Mack Cornett has his own way of remembering: The 46-year-old machinist manager keeps in his Bible a picture of Amber with a big smile, taken the summer before she died. Cornett says he's disappointed that neither driver has reached out to say they're sorry. He would be inclined to forgive.

"People run lights. I don't think the majority of people who run them mean to run them. They have distractions," he says.

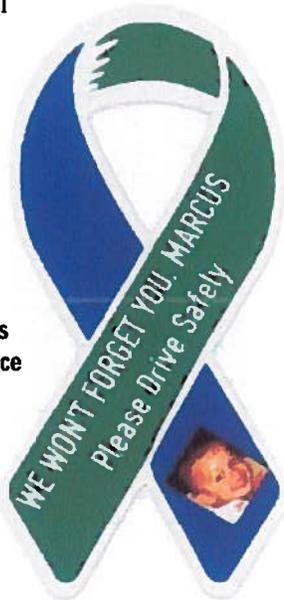
"How many times have you done something and you got away with it? You look down, you look at your watch, you turn the knob on the stereo, you laugh at a joke — you miss the light."

# STATUS REPORT

INSURANCE INSTITUTE  
FOR HIGHWAY SAFETY

1005 N. Glebe Rd., Arlington, VA 22201  
Phone 703/247-1500 Fax 247-1588  
Internet: [www.iihs.org](http://www.iihs.org)  
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One family's  
remembrance



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GEICO Group  
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GMAC Personal Lines Insurance  
Grange Insurance  
Hanover Insurance Group  
The Hartford  
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High Point Insurance Group  
Homeowners of America Insurance Company  
Horace Mann Insurance Companies  
ICW Group  
Imperial Fire & Casualty Insurance Company  
Infinity Property & Casualty  
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Kentucky Farm Bureau Insurance  
Liberty Mutual Insurance Company  
Louisiana Farm Bureau Mutual Insurance Company  
Mercury Insurance Group  
MetLife Auto & Home  
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MMG Insurance  
Mutual of Enumclaw Insurance Company  
Nationwide  
New Jersey Manufacturers Insurance Group  
NLC Insurance Companies, Inc.  
Nodak Mutual Insurance Company  
Norfolk & Dedham Group  
North Carolina Farm Bureau Mutual Insurance Company  
Oklahoma Farm Bureau Mutual Insurance Company

Old American County Mutual Fire Insurance  
Oregon Mutual Insurance  
Palisades Insurance  
Pekin Insurance  
PEMCO Insurance  
Progressive Corporation  
Rockingham Group  
Safeco Insurance  
Samsung Fire & Marine Insurance Company  
SECURA Insurance  
Sentry Insurance  
Shelter Insurance  
Sompo Japan Insurance Company of America  
South Carolina Farm Bureau Mutual Insurance Company  
Southern Farm Bureau Casualty Insurance Company  
State Auto Insurance Companies  
State Farm  
Tennessee Farmers Mutual Insurance Company  
Texas Farm Bureau Insurance Companies  
Tokio Marine Nichido  
The Travelers Companies  
United Educators  
Unitrin  
USAA  
Viceroy Insurance Company  
Virginia Farm Bureau Mutual Insurance  
West Bend Mutual Insurance Company  
Young America Insurance Company  
Zurich North America

#### FUNDING ASSOCIATIONS

American Insurance Association  
National Association of Mutual Insurance Companies  
Property Casualty Insurers Association of America



**A Virginia Accredited Law Enforcement Agency**

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

Telephone: (540) 545-4700  
FAX: (540) 542-1314  
Website: www.winchesterva.gov

WINCHESTER POLICE DEPARTMENT  
MONTHLY COUNCIL REPORT  
August 2013

*5 YEAR TREND FOR MAJOR CRIMES- August*

	2009	2010	2011	2012	2013
<b>THEFT</b>	78	59	66	68	66
<b>GRAND THEFT</b>	16	21	16	24	18
<b>MVT</b>	1	2	6	1	4
<b>ROBBERY</b>	4	1	0	1	3
<b>RAPE</b>	2	0	0	1	0
<b>B&amp;E</b>	14	10	9	23	11

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

	2009	2010	2011	2012	2013
Felony Arrests	24	16	31	27	37
Misdemeanor Arrests	98	141	126	162	147
Legal Document - Felony	41	17	29	35	30
Legal Document - Misdemeanor	168	129	150	125	144
DUI Arrests	12	14	25	12	12
Incident Reports	336	340	343	378	317
Field Contacts Documented	21	18	43	48	20
Speeding - Radar	57	105	72	26	48
Traffic Violations	222	243	292	235	153
Warnings					95
Vehicle Crash Investigations	39	76	50	33	57
Parking Violations	120	209	177	118	70

**RADAR survey for August**

# details in survey	27
cars surveyed	888
average above speed limit	.25 MPH
Average highest above average	5.11 MPH
% where citations issued for + 10 over	87.5

Up-to-date statistics can be found at [www.winchesterpolice.org/crimestats/index1.html](http://www.winchesterpolice.org/crimestats/index1.html) and up-to-date crime maps are available at [www.winchesterpolice.org/crimemap/index1.html](http://www.winchesterpolice.org/crimemap/index1.html).

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