

City Council Work Session

Tuesday, October 1, 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 Update on Communications Tower – Lynn Miller, Emergency Management Coordinator (pages 3-30)

3.2 R-2013-48: Resolution – Approval to opt out of the VRS Virginia Local Disability Program coverage and elect to provide a comparable employer paid disability program effective January 1, 2014 – Steve Corbit, Interim Human Resources Director (pages 31-34)

3.3 O-2013-33: AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 26-15 OF THE WINCHESTER CITY CODE PERTAINING TO THE TIME REQUIRED AND RESPONSIBILITIES RELATED TO REMOVAL OF SNOW AND ICE FROM SIDEWALKS (*Adjusts the time allotted and clarifies responsibilities for snow and ice removal from the sidewalks*) – Perry Eisenach, Utilities Director (pages 35-39)

3.4 R-2013-49: Resolution – Authorize the application for an allocation of \$4,850,000 through the Virginia Department of Transportation Revenue Sharing Program – Perry Eisenach, Utilities Director (pages 40-44)

3.5 R-2013-50: Resolution – Authorize the request to the Commonwealth Transportation Board to transfer \$700,000 of state Revenue Sharing funds to the National/Piccadilly/East Lane Realignment Project – Perry Eisenach, Utilities Director (pages 45-49)

3.6 R-2013-51: Resolution: Authorize the request to the Commonwealth Transportation Board to establish a “Safe Routes to School” project consisting of constructing sidewalks on Wentworth Drive between Cedarmeade Avenue and Valley Avenue – Perry Eisenach, Utilities Director (pages 50-56)

- 3.7 R-2013-52:** Resolution: Authorize the request to the Commonwealth Transportation Board to establish a Transportation Alternatives project consisting of the Green Circle Trail – Phase III – Perry Eisenach, Utilities Director (pages 57-58)
- 3.8 R-2013-53:** Resolution – Authorize the consolidation of the Community Development Committee’s functions into a revised committee with concurrent membership with the Winchester Economic Development Authority – Doug Hewett, Assistant City Manager (pages 59-62)
- 3.9 O-2013-34:** AN ORDINANCE TO AMEND THE WINCHESTER CITY CODE, CHAPTER 30. VEGETATION, TO ALLOW FOR THE CREATION OF THE ENVIRONMENTAL SUSTAINABILITY TASKFORCE – Doug Hewett, Assistant City Manager (pages 63-78)
- 3.10 O-2013-35:** AN ORDINANCE TO REZONE 0.46 ACRES OF LAND AT 317 SOUTH CAMERON STREET (*Map Number 193-01-K-14*) FROM RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO CENTRAL BUSINESS (B-1) DISTRICT WITH HW DISTRICT OVERLAY (*former jail property*)(pages 79-84)
- 3.11 R-2013-54:** Resolution – Clarification on Council’s intent as it pertains the continued operation and growth of the adjoining O’Sullivan industrial facility in light of the recent Jubal Square PUD rezoning – Tim Youmans, Planning Director (pages 85-87)

4.0 Liaison Reports

5.0 Monthly Reports

- 5.1** Fire Department (pages 88-91)

6.0 Adjourn

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: Oct. 1, 2013 **CUT OFF DATE:** Sept. 20, 2013

RESOLUTION ORDINANCE PUBLIC HEARING

ITEM TITLE: Review information relating to proposed sites for the erection of a Public Safety Communication Tower, refer to Staff Report. Winchester Medical Center & 700 Jefferson Street

STAFF RECOMMENDATION: No Recommendation, Informational clarification only refer to Staff Report

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: Staff Report

INSURANCE: N/A

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. <u>Police Dept</u>	<u>GP</u>		<u>9/19/13</u>
2. <u>Fire & Rescue</u>	<u>AS</u>		<u>9/19/13</u>
3. <u>ECC</u>	<u>EC</u>		<u>9/19/13</u>
4. _____			
5. City Attorney	<u>AW</u>		<u>9/19/2013</u>
6. City Manager	<u>DF</u>		<u>9-2013</u>
7. Clerk of Council			
Initiating Department Director's Signature: <u>[Signature]</u>			<u>9-19-2013</u> Date



APPROVED AS TO FORM:

[Signature]
3 **CITY ATTORNEY** 9/19/2013

SUPPLEMENTAL STAFF REPORT

PROPOSED PUBLIC SAFETY COMMUNICATIONS TOWER

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

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

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

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

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

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

- Initial Kimball briefing November 27, 2007

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

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

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

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

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

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

Thanks for the opportunity to come before you.

L.A Miller

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

Lynn,

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

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

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

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

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

The vendor's design process has two parts.

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

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

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

Thank you,

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

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9/16/13

City of Winchester

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

Dear Sir,

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

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

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

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

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

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

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

Sincerely,

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

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

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

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

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

Proposed Public Safety Communications Tower Questions and Answers

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



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

Respondent - Emergency Management:

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

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

Respondent - Emergency Management:

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

Respondent - City Manager:

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

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

Respondent - Emergency Management:

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

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

Respondent - Emergency Management:

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

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

Respondent - Kimball:

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

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

Respondent - Kimball:

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

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

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

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

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

Respondent - Kimball/Motorola:

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

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

Respondent - Zoning:

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

Respondent - Motorola/Kimball:

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

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

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

Respondent - Kimball:

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

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

Respondent - Emergency Management:

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

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

Respondent - Finance:

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

Respondent - Utilities:

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

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

Respondent - Planning & Zoning:

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

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

Respondent - Kimball:

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

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

Respondent - Kimball:

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

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

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

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

Respondent - Zoning:

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

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

Respondent - Emergency Management:

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

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

Respondent - Emergency Management:

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

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

Respondent - Kimball:

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

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

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

Respondent - Emergency Management:

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

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

Respondent - Emergency Management:

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

Respondent - Kimball:

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

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

Respondent - Emergency Management:

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

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

Respondent - Emergency Management:

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

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

Respondent - Kimball:

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

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

Respondent - Zoning:

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

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

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

Respondent - City Manager:

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

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

Respondent - Utilities:

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

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

Respondent - Utilities:

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

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

Respondent - Utilities:

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

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

Respondent - Motorola:

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

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

Respondent - Motorola:

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

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

Respondent - Emergency Management:

- This would not be an acceptable practice.

Respondent - Utilities:

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

Respondent - Motorola:

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

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

Respondent - City Manager:

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

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

Respondent - Zoning:

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

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

Respondent - Motorola/Kimball:

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

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

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

Also see question #8.

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

(Respondent - Finance/Purchasing:

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

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

Respondent - Emergency Management:

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

Respondent - Motorola:

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

Respondent - Kimball:

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

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

Respondent - Emergency Management:

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

Respondent - Kimball:

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

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

Respondent - Emergency Management:

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

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

Respondent - City Manager:

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

R-2013-48

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: _October 1, 2013 CUT OFF DATE: ___

RESOLUTION ORDINANCE ___ PUBLIC HEARING ___

ITEM TITLE: Motion to approve a Resolution to opt out of the VRS Virginia Local Disability Program (VLDP) coverage and elect to provide a comparable employer paid disability program effective January 1, 2014.

STAFF RECOMMENDATION: Approve as presented.

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA:

See attached Resolution.

INSURANCE:

N/A

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Finance	<i>JB</i>		9-16-13
2. _____			
3. _____			
4. _____			
5. City Attorney	<i>aw</i>		9/16/2013
6. City Manager	<i>JT</i>		9-20-13
7. Clerk of Council			

Initiating Department Director's Signature: *[Signature]*
Interim Human Resource Director Date



APPROVED AS TO FORM:

[Signature] 9/16/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Steven Corbit, Interim Human Resources Director
Date: September 17, 2013
Re: Resolution to Opt Out of VRS Virginia Local Disability Program (VLDP) Coverage

THE ISSUE:

Code of Virginia requires a City Resolution to be enacted in order for the opting out of the VRS Virginia Local Disability Program (VLPD) and electing to provide a comparable employer paid disability program effective January 1, 2014.

RELATIONSHIP TO STRATEGIC PLAN:

Develop a High-Performing City Organization.

BACKGROUND:

The 2012 General Assembly created the Virginia Local Disability Program (VLDP) for political subdivisions and school division employees who are hired or rehired on or after January 1, 2014 without VRS service credit, and who will be covered under the newly created VRS Hybrid Retirement Plan. Employees who are active members of the current VRS Retirement Plans 1 or 2 will not be moved to the VRS Hybrid Retirement Plan, but most of them will be allowed to make a voluntary, irrevocable election to switch to the Hybrid Retirement Plan effective July 1, 2014 (which will make them eligible for the VLDP or the, comparable employer-sponsored program). We do not anticipate that many will make the switch from the traditional defined VRS benefit plan 1 or plan 2 to this new hybrid plan.

The current VRS Retirement Plans 1 and 2 include disability retirement benefits for participating employees. VLDP was created because the VRS Hybrid Retirement Plan that will cover most new employees beginning January 1, 2014, will not include the disability retirement benefit included under VRS Retirement Plans 1 and 2 for current active participants.

VLDP provides income protection for employees who are unable to work because of either a work-related or non-work related illness, injury or other condition, such as surgery, pregnancy, and complications of pregnancy or a catastrophic or major chronic condition. The program includes both short-term and long-term disability coverage, and focuses on assisting employees with their recovery and helping them make a safe return to their full work duties when possible. Under VLDP, the third party administrator processes claims and provides medical management. The City of Winchester continues to pay employees on short-term disability through our normal payroll process (essentially a self-funded plan). Employees on long term disability are paid directly by the third party administrator.

Additional information about the VLDP can be found at <http://www.varetire.org/employers/manual/index.asp>. The employer-paid comparable program must meet or exceed the coverage set out in Chapter 11.1 of Title 51.1 of the Code of Virginia (www.varetire.org/pdf/publications/cov-title-51.1-chapter-11.1.pdf).

City of Winchester currently provides their employees with a generous paid leave program to help protect their income in situations when they are not able to work due to accidents or illnesses. Employees accrue paid leave based on service with no maximum accrual of sick leave. In addition, City offers a voluntary sick-leave bank for employees. Participation in the Sick Leave Bank is voluntary and available to all full and part time classified employees who work at least 6 consecutive months and new employees may enroll after this 6 month period.

Employees may participate in the bank by making an initial contribution of two (2) days from their accumulated sick leave allocation and annually one (1) day of sick leave, if needed.

The City of Winchester will explore modifying the current sick leave plans and providing employer-paid short-term disability plan to all employees. However, until that point, our employees hired prior to January 1, 2014, will have different sickness and disability benefits than employees hired after January 1, 2014

BUDGET IMPACT:

Three bids were received: Guardian, VML, and VACoRP. All proposals meet or exceed the coverage requirements set out in the Code of Virginia. Mr. Ed White, Benefits Consultant, has recommended VACoRP as the vendor of choice.

The VACoRP plan, provided by Standard Insurance Company, is a customized coverage plan that meets or exceeds the comparable plan requirements as specified in the Code of Virginia. The following benefits and enhancements are included in the Standard Plan:

- Benefits for occupational and non-occupational disabilities
- First day coverage for catastrophic disabilities
- 80% income replacement for catastrophic disabilities
- Long Term Disability coverage begins when Short Term Disability ends
- Rehabilitation Incentive - helps claimants focus on recovery
- Reasonable Accommodation Benefit - reimburses employers for worksite modifications that help a claimant return to work
- Survivor Benefit - pays 3 times the monthly benefit
- Rate guarantee for three years (through 12/31/16).

VRS rates beginning January 1, 2014 through June 30, 2014 will be .91% of Hybrid Plan covered Payroll for non-administrative employees and .39% of Hybrid Plan covered Payroll for administrative employees and teachers.

VACoRP proposed rates are .79% for non-administrative employees and .39% of Hybrid Plan covered Payroll for administrative employees and teachers. Rates are guaranteed for three years. VACoRP has a more stable pool exposure than VRS. These rates only apply to most new employees hired on or after January 1, 2014 and current employees who opt to switch to the new plan.

Additionally aside from savings, by opting out of the VRS plan, the City of Winchester has more flexibility in the future to either self-fund the plan, pool with other localities, or obtain a different insured product through another carrier. If the City of Winchester participates with VRS that decision is irrevocable and limits future options.

OPTIONS:

- 1.) City of Winchester may remain with VRS and that decision is irrevocable, or
- 2.) Opt-out of VRS and purchase a comparable plan off the open market.

RECOMMENDATIONS:

Staff recommends City Council to adopt the attached resolution to opt out of VRS VLDP coverage and to authorize City of Winchester personnel to execute any agreements to have VACoRP oversee the programs provided by Standard Insurance Company for the short and long term disability programs.

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

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

RESOLUTION ___ ORDINANCE X PUBLIC HEARING ___

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

STAFF RECOMMENDATION: Approval of ordinance.

PUBLIC NOTICE AND HEARING: NA

ADVISORY BOARD RECOMMENDATION: NA

FUNDING DATA: See attached.

INSURANCE: NA

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Zoning and Inspections	AMG		9/17/13
2. Police	PS		9/17/13
3. City Attorney	AW		9/17/2013
4. City Manager	[Signature]		9-20-13
5. Clerk of Council			
Initiating Department Director's Signature:	[Signature]		9/18/13 Date



APPROVED AS TO FORM:

[Signature] 9/12/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

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

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

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

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

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

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

RECOMMENDATIONS:

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

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

RECOMMENDED ACTION FOR CITY COUNCIL:

Adopt the attached ordinance.

OPTIONS FOR CITY COUNCIL:

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

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

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

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

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

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

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

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

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

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

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

Ordinance No. _____

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

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

Deputy Clerk of the Common Council

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

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

RESOLUTION X ORDINANCE ___ PUBLIC HEARING ___

ITEM TITLE: Application to VDOT for FY 2014-15 Revenue Sharing Funds.

STAFF RECOMMENDATION: Approval of resolution.

PUBLIC NOTICE AND HEARING: NA

ADVISORY BOARD RECOMMENDATION: NA

FUNDING DATA: See attached.

INSURANCE: NA

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Finance	<u>B</u>	_____	<u>9/17/13</u>
2. Planning	<u>TS</u>	_____	<u>9/17/13</u>
3. Economic Development	<u>JD</u>	_____	<u>9/17/13</u>
4. City Attorney	<u>an</u>	_____	<u>9/17/2013</u>
5. City Manager	<u>DT</u>	_____	<u>9-19-13</u>
6. Clerk of Council	_____	_____	_____
Initiating Department Director's Signature:	<u>B.C.I.</u>	_____	<u>9/16/13</u> Date



APPROVED AS TO FORM:

CITY ATTORNEY 9/17/2013

CITY COUNCIL ACTION MEMO

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

THE ISSUE: Approval of Application to VDOT for FY 2014-15 Revenue Sharing Funds.

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

BACKGROUND: Applications to VDOT for state Revenue Sharing funds are due on November 1, 2013. If approved by the Commonwealth Transportation Board in June 2014, these funds would be available in August 2014.

Revenue Sharing funds require a 50% match with City (or developer) funds. The City has successfully used Revenue Sharing funds on numerous projects during the past few years. Revenue Sharing projects must be completed within 3 years from the time the funding is approved.

BUDGET IMPACT: The total amount of the proposed application is for \$4,850,000 in state Revenue Sharing funds which would require an equal match of City (and developer) funds. All the proposed projects included in the application are included in the City's five-year Capital Improvement Plan.

RECOMMENDATIONS:

Submit an application for the following projects:

1. Tevis Street Extension: \$800,000. The matching funds for this project which would extend Tevis between Legge Blvd. and the new bridge that will be constructed over I-81 would be provided by Glaize Development.
2. Hope Drive Extension: \$700,000. This would replace the funding that was transferred to the National/Piccadilly/East Lane Realignment Project.
3. Traffic Signal Synchronization with VDOT's System: \$350,000. This project would allow for the City's signals on Jubal Early/Pleasant Valley to be synchronized with VDOT's signals on Millwood Pike – in particular, the signal at Mall Blvd (Frontage Road). The equipment that would be installed is traffic responsive and is currently being used successfully on Berryville/Route 7 and Amherst/Route 50.
4. Street Repaving Citywide: \$3 million. Work would be completed as per the Street Maintenance Master Plan just approved by Council.

RECOMMENDED ACTION FOR CITY COUNCIL:

Adopt the attached resolution to submit the application for Revenue Sharing funds.

OPTIONS FOR CITY COUNCIL:

Either adopt or not adopt the resolution.



THE COMMON COUNCIL

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

RESOLUTION

SUPPORT FOR APPLICATION OF \$4,850,000 OF REVENUE SHARING FUNDS FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION

At a regularly scheduled meeting of the City of Winchester Common Council held on October 8, 2013, on a motion by *[name of Council or Board member]*, seconded by *[name of Councilor Board member]*, the following resolution was adopted by a vote of *[#]* to *[#]*:

WHEREAS, the City of Winchester desires to submit an application for an allocation of funds of \$4,850,000 through the Virginia Department of Transportation Fiscal Year 2014-15, Revenue Sharing Program; and,

WHEREAS, these funds are requested to fund the following projects:

Proposed Project	Revenue Sharing Application Amount
Tevis Street Extension	\$800,000
Hope Drive Extension/Papermill & Tevis Realignment	\$700,000
Synchronization of Traffic Signal Lights on Jubal Early/Pleasant Valley Corridor with VDOT Signals on Millwood Pike	\$350,000
Street Repaving at Various Locations	\$3,000,000
Total	\$4,850,000

NOW, THEREFORE, BE IT RESOLVED THAT: The City of Winchester Common Council hereby supports this application for an allocation of \$4,850,000 through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT the City of Winchester Common Council hereby grants authority to the City Manager to execute project administration agreements and do everything else necessary to complete these Revenue Sharing projects.

Resolution No.

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

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

B-2013-50

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

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

RESOLUTION X ORDINANCE ___ PUBLIC HEARING ___

ITEM TITLE: Request to transfer existing state Revenue Sharing Funds from the Hope Drive Extension Project to the National/Piccadilly/East Lane Realignment Project.

STAFF RECOMMENDATION: Approval of resolution.

PUBLIC NOTICE AND HEARING: NA

ADVISORY BOARD RECOMMENDATION: NA

FUNDING DATA: See attached.

INSURANCE: NA

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Finance	<u> TB </u>	_____	<u> 9/17/13 </u>
2. Planning	<u> 72 </u>	_____	<u> 9/17/13 </u>
3. Economic Development	<u> JD </u>	_____	<u> 9/17/13 </u>
4. City Attorney	<u> a </u>	_____	<u> 9/17/2013 </u>
5. City Manager	<u> DI </u>	_____	<u> 9/17/13 </u>
6. Clerk of Council	_____	_____	_____
Initiating Department Director's Signature:	<u> [Signature] </u>	_____	<u> 9/16/13 </u> Date



APPROVED AS TO FORM:

 [Signature]
CITY ATTORNEY 9/17/2013

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Perry Eisenach, Public Services Director
Date: October 1, 2013 (Council Work Session)
Re: Transfer State Revenue Sharing Funds to National/Piccadilly/East Lane Realignment Project

THE ISSUE: Request the Commonwealth Transportation Board to transfer \$700,000 of state Revenue Sharing funds to the National/Piccadilly/East Lane Realignment Project.

RELATIONSHIP TO STRATEGIC PLAN: **Goal 3:** Continued Revitalization of Historic Old Town Winchester and **Goal 4:** Create a More Livable City for All.

BACKGROUND: The City is continuing in the effort to acquire all the properties necessary to construct the realignment of National/Piccadilly/East Lane coming into downtown. A goal has been established to complete the construction on this project by the end of 2014.

This project is eligible to receive state Revenue Sharing funds from VDOT. In order to meet this schedule and be able to utilize Revenue Sharing funds, we need to transfer existing Revenue Sharing funds from another project to this project.

BUDGET IMPACT: The total estimated construction cost of this project is \$1.4 million. If Revenue Sharing funds can be transferred, the City would be responsible for half of the cost of the project (\$700,000) and Revenue Sharing funds would be used for the other half (\$700,000).

RECOMMENDATIONS:

Make a request to the Commonwealth Transportation Board to transfer \$700,000 in state Revenue Sharing funds already approved for the Hope Drive Extension Project to the National/Piccadilly/East Lane Realignment Project. In addition, staff recommends that the City submit a new application for Revenue Sharing Funds in the amount of \$700,000 for the Hope Drive Extension Project to replace the funds that would be transferred. Construction on the Hope Drive Extension Project is not scheduled to begin until at least FY15.

RECOMMENDED ACTION FOR CITY COUNCIL:

Adopt the attached resolution.

OPTIONS FOR CITY COUNCIL:

Either adopt or not adopt the resolution.



THE COMMON COUNCIL

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

RESOLUTION

TO REQUEST THE COMMONWEALTH TRANSPORTATION BOARD TO DESIGNATE THE REALIGNMENT OF NATIONAL/PICCADILLY/EAST LANE (ROUTE 7) AS A REVENUE SHARING PROJECT AND TRANSFER EXISTING REVENUE SHARING FUNDS TO ACCELERATE THE CONSTRUCTION OF THIS PROJECT AND TO AMEND THE VDOT SYIP TO INCLUDE THE REALIGNMENT OF NATIONAL/PICCADILLY/EAST LANE (ROUTE 7) AS A PROJECT.

WHEREAS, the City of Winchester is moving forward with a project to realign a portion of National Avenue/Piccadilly Street/East Lane (State Route 7) to improve traffic flow and safety on this roadway entering downtown Winchester; and

WHEREAS, the City's FY2014 Capital Improvement Plan includes this project to realign National/Piccadilly/East Lane; and

WHEREAS, the City is a participant in the Virginia Department of Transportation Revenue Sharing Program in FY2013-14; and

WHEREAS, the City would like to utilize Revenue Sharing Funds for this project to realign National/Piccadilly/East Lane; and

WHEREAS, the City intends to locally administer the project to realign National/Piccadilly/East Lane and complete the construction on the project by the end of 2014.

NOW, THEREFORE, BE IT RESOLVED THAT: The City of Winchester Common Council hereby requests:

1. Designation of the realignment of National/Piccadilly/East Lane (Route 7) as a Revenue Sharing project.
2. Modify the Six Year Improvement Plan (SYIP) to include the project to realign National/Piccadilly/East Lane (Route 7).
3. Transfer \$700,000 in Revenue Sharing funds from UPC #104266 (Hope Drive Extension) to the project to realign National/Piccadilly/East Lane (Route 7).

BE IT FURTHER RESOLVED THAT the City of Winchester Common Council hereby grants authority to the City Manager to execute project administration agreements and do everything else necessary to complete this project.

Resolution No.

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

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

R-2013-52
B-2013-51

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

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

RESOLUTION X (2) ORDINANCE ___ PUBLIC HEARING X

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

STAFF RECOMMENDATION: Approval of both resolution.

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

ADVISORY BOARD RECOMMENDATION: NA

FUNDING DATA: See attached.

INSURANCE: NA

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Finance	B		9/17/13
2. Planning	ry		9/17/13
3. Economic Development	JD		9/17/13
4. City Attorney	aw		9/17/2013
5. City Manager	DT		9-17-13
6. Clerk of Council			
Initiating Department Director's Signature:	[Signature]		9/16/13 Date



APPROVED AS TO FORM:

[Signature] 9/17/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

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

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

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

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

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

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

RECOMMENDATIONS:

Submit an application for the following two projects:

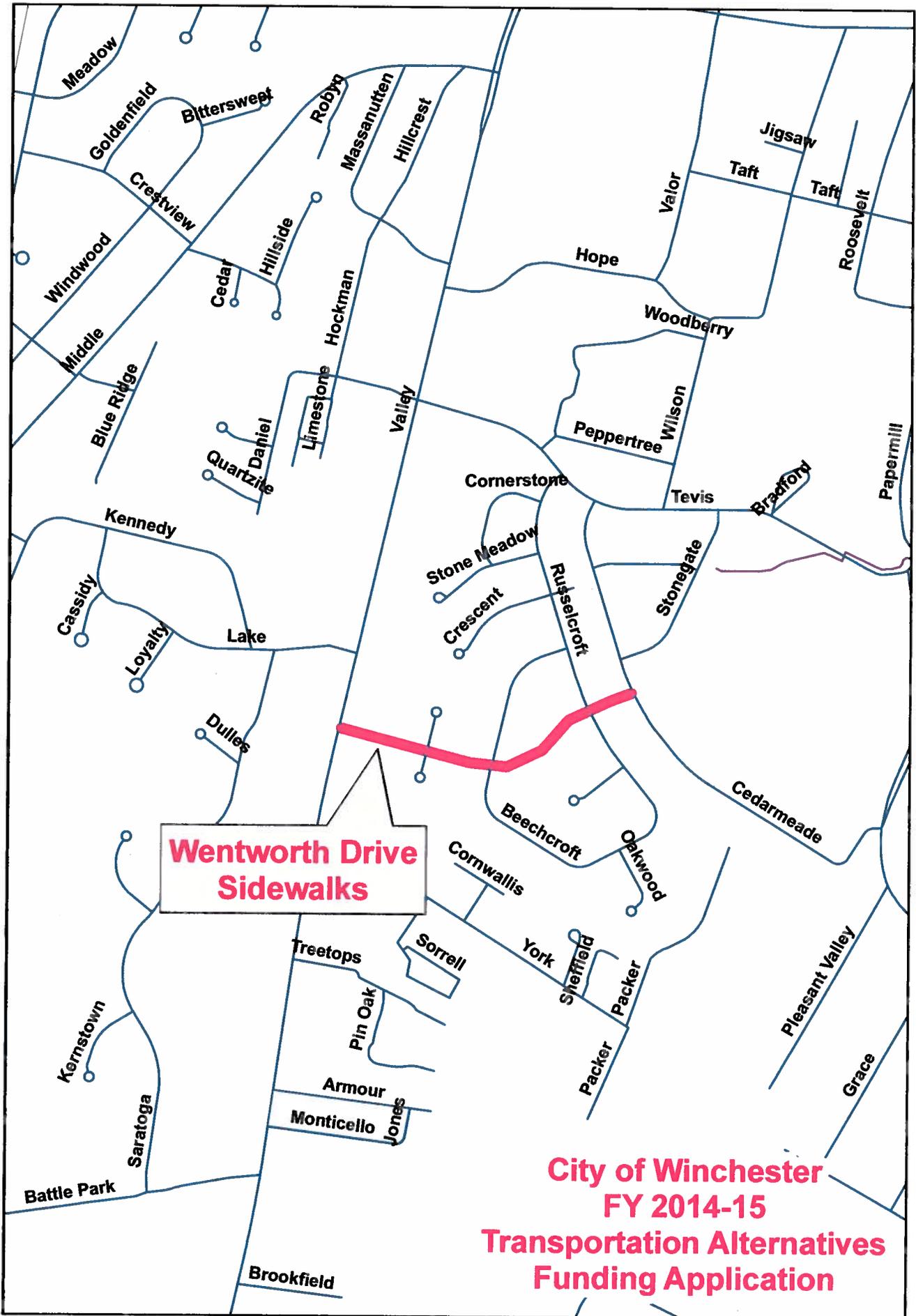
Project Name	Federal Funds	City Matching Funds	Total Project Costs
Wentworth Drive Sidewalks ("Safe Routes to School")	\$450,000	\$112,500	\$562,500
Green Circle Trail – Phase III	\$200,000	\$50,000	\$250,000
Total	\$650,000	\$162,500	\$812,500

RECOMMENDED ACTION FOR CITY COUNCIL:

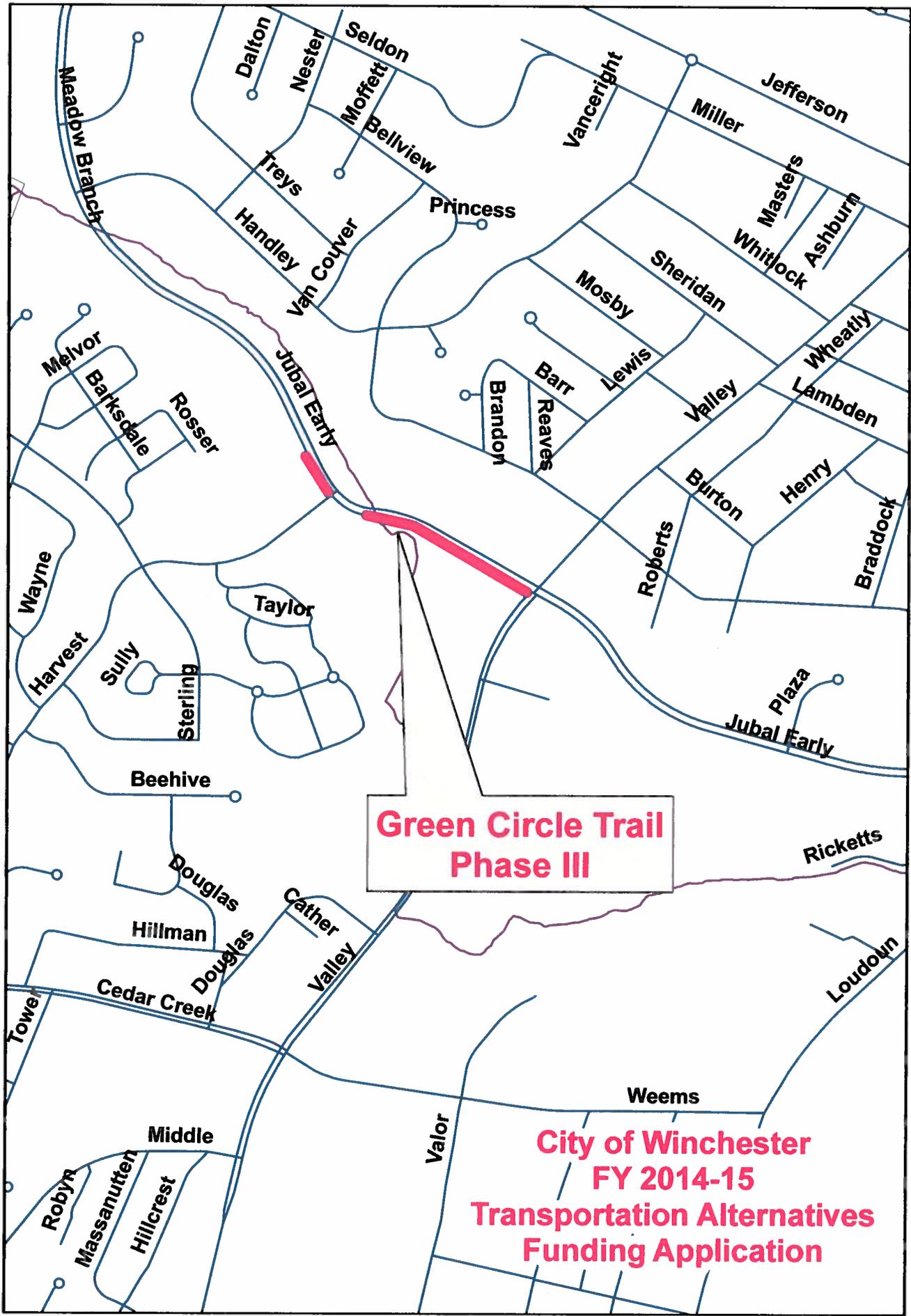
Adopt the two attached resolutions to submit the application for Transportation Alternatives funds.

OPTIONS FOR CITY COUNCIL:

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



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



**Green Circle Trail
Phase III**

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



THE COMMON COUNCIL

Rouss City Hall
15 North Cameron Street
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RESOLUTION

TRANSPORTATION ALTERNATIVES PROJECT ENDORSEMENT

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

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

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

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

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

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

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

Resolution No.

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

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



THE COMMON COUNCIL

Rouss City Hall
15 North Cameron Street
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540-667-1815
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RESOLUTION

TRANSPORTATION ALTERNATIVES PROJECT ENDORSEMENT

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

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

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

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

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

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

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

Resolution No.

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

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

R-2013-53

CITY OF WINCHESTER, VIRGINIA

CITY COUNCIL AGENDA ITEM

Presentation for Discussion: October 1, 2013
Presentation for Adoption: October 8, 2013

RESOLUTION X ORDINANCE PUBLIC HEARING DISCUSSION X

ITEM TITLE: Consolidating the Community Development Committee's functions into a revised committee with concurrent membership with the City's Economic Development Authority

STAFF RECOMMENDATION: Adopt enclosed resolution.

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: N/A

INSURANCE:N/A

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Jim Deskins, Redevelopment Director	<i>[Signature]</i>		9/16/13
2. _____			
3. _____			
4. _____			
5. City Attorney	<i>aw</i>		9/16/2013
6. City Manager	<i>[Signature]</i>		9-17-13
7. Clerk of Council			

Initiating Department Director's Signature: *[Signature]* _____ Date: 09/13/2013



APPROVED AS TO FORM:

[Signature] 9/16/2013
CITY ATTORNEY

Revised: September 28, 2009

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Doug Hewett, Assistant City Manager
Through: Dale Iman, City Manager
Date: October 1, 2013
Re: Consolidating the Community Development Committee's functions into a revised committee with concurrent membership with the City's Economic Development Authority

THE ISSUE: As part of the City Council's effort to review the functions and composition of all city boards and commissions, there may be value in discussing whether the functions of the Community Development Committee, CDC, could be assigned to a revised committee that would have concurrent membership with the Economic Development Authority, EDA.

RELATIONSHIP TO STRATEGIC PLAN: Goal 1 – Grow the Economy, Goal 2- Develop a High Performing Organization, Goal 3 – Continue Revitalization of Historic Old Town, Goal 4 – Create a More Livable City for All

BACKGROUND: In 2012 the City Council began a process of reviewing the functions and composition of all city boards and commissions.

Consistent with the City Council's efforts, on August 20, 2013 staff suggested to City Council there might be an opportunity to assign the functions of the CDC to a newly formed committee that had concurrent membership with the EDA. In essence, EDA members would also be assigned membership on the CDC.

The rationale for the change was that over the next five years the CDBG block grant funds will be utilized to pay back the HUD 108 loan which was used in funding the Taylor Hotel project. Additionally, there is a desire to begin to develop plans for specific neighborhood revitalization efforts designed to create more appropriate housing options in our community in order to sustain our community's economic viability. These two reasons coupled with the provisions in state code that enable the economic development authority to provide financial incentives, as well as funding for these kinds of activities, makes the EDA a logical group to foster these strategies.

If approved by City Council, the CDC would only convene when necessary and would do so at the conclusion of the regular EDA meeting. Moreover, if approved by City Council, staff would work with the current members of the CDC to identify other board and commission appointments they might seek.

City Council showed interest in this concept, and as such, staff has prepared the following resolution for consideration.

BUDGET IMPACT: None

OPTIONS:

1. Accept staff's recommendation and approve the enclosed resolution.
2. Reject staff's recommendation.
3. Provide additional direction to staff, and/or take no action at this time.

RECOMMENDATIONS: Accept staff's recommendation and approve the enclosed resolution.

COMMUNITY DEVELOPMENT COMMITTEE

The CDC, established December 2005, provides input and makes recommendations regarding the implementation of the City's CDBG program and other neighborhood and affordable housing strategies.

CDC consists of 8 - appointed members, whom serve 3-year terms. Currently, 6 appointed member vacancies or term expirations exist on the CDC. City Council Liaisons: Veach & Hill.

CDC Members	Initial Appointment	Term Expires
Skeeter Knee+	12-31-05	12-31-10
Patrick Rodgers+	08-11-09	06-30-15
Carolyn Griffin+	06-09-09	06-30-15
VACANT	07-11-06	12-31-11
VACANT	12-09-08	12-31-11
Ron Mislowsky	12-31-05	12-31-12
VACANT	12-31-05	12-31-12
Tim Machado	02-27-07	12-31-12

+ = Not eligible for reappointment

ECONOMIC DEVELOPMENT AUTHORITY

The EDA, established April 1967, facilitates economic development activity to maximize use of industrial and commercial land. This will enable the City to help the workforce develop its fullest potential and minimize burden on the individual taxpayer. The takes into account the need to preserve the social, environmental, architectural and cultural fabric of the community.

EDA consists of 7 appointed members, whom serve 4-year terms, and as a major City Council Committee are limited to two terms. City Council Liaison: Tagnesi.

EDA Members	Initial Appointment	Term Expires
Ronald A. Mislowsky+	10-09-07	08-31-16
J.P. Carr+	09-09-08	08-31-16
Suzanne Conrad+	09-09-08	08-31-16
William Buettin+	02-23-10	08-31-17
Doug Toan	05-14-13	08-31-17
Joseph Kalbach+	10-10-06	08-31-14
Dan Troup+	03-13-07	08-31-16

+ = Not eligible for reappointment

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

A RESOLUTION AMENDING THE COMMUNITY DEVELOPMENT COMMITTEE

WHEREAS, the City of Winchester has established a Community Development Committee for the purpose of providing input regarding implementation of Community Development Block Grant, CDBG, spot blight abatement programs and other neighborhood and affordable housing strategies; and

WHEREAS, over the next five three years the CDBG funds will be utilized to pay back the HUD 108 loan which was used in funding the Taylor Hotel project; and

WHEREAS, there is a desire to begin to develop plans for specific neighborhood revitalization efforts designed to create more appropriate housing options in our community in order to sustain our community's economic viability, and

WHEREAS, the City of Winchester has an Economic Development Authority broadly charged with improving the economic vitality of Winchester, of which the work program of the Community Development Committee is an integral component,

NOW, THEREFORE BE IT RESOLVED, that the Community Development Committee is disbanded, and reformed as follows:

1. The composition of the Community Development Committee is set at 7 appointed members, whom serve 4-year terms, and are limited to two full terms.
2. Members of the Economic Development Committee Authority will concurrently serve and be appointed to the Community Development Committee, with the same term expiration dates.
3. When members are appointed or removed from the Economic Development Committee Authority, they are hereby also appointed or removed from the Community Development Committee, without further action needed by the City Council.

BE IT FURTHER RESOLVED that the City Council hereby appoints the following members to serve on the reformed Community Development Committee:

	Term Expires
Ronald A. Mislowsky+	08-31-16
J.P. Carr+	08-31-16
Suzanne Conrad+	08-31-16
William Buettin+	08-31-17
Doug Toan	08-31-17
Joseph Kalbach+	08-31-14
Dan Troup+	08-31-16

+, *Not eligible for reappointment*

CITY OF WINCHESTER, VIRGINIA

CITY COUNCIL AGENDA ITEM

Presentation for Discussion: October 1, 2013
Presentation for Adoption, 1st Reading: October 8, 2013
Presentation for Adoption, 2nd Reading/Public Hearing: November 5, 2013

RESOLUTION ___ ORDINANCE X PUBLIC HEARING X DISCUSSION ___

ITEM TITLE: Ordinance amending Chapter 30 to create an Environmental Sustainability Taskforce, thereby replacing the Tree Commission and the Natural Resources Advisory Board

STAFF RECOMMENDATION: Adopt the enclosed ordinance

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: N/A

INSURANCE:N/A

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney	<i>AW</i>	_____	<i>9/16/2013</i>
6. City Manager	<i>DI</i>	_____	<i>9-17-13</i>
7. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: *Deborah J. Howard* 09/12/2013
Date



Revised: September 28, 2009



APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY *9/16/2013*

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Doug Hewett, Assistant City Manager
Through: Dale Iman, City Manager
Date: October 1, 2013
Re: Ordinance amending Chapter 30 to create an Environmental Sustainability Taskforce, thereby replacing the Tree Commission and the Natural Resources Advisory Board

THE ISSUE: As part of the City Council's effort to review the functions and composition of all city boards and commissions, is there value in creating an Environmental Sustainability Taskforce to serve as an advisory body to the City Manager and City Council in helping to guide public policy, planning, education, departmental management, new development, and evaluation of environmental and energy related matters.

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

BACKGROUND: In 2012 the City Council began a process of reviewing the functions and composition of all city boards and commissions. From that effort there was general support for eliminating the Tree Commission and the Natural Resources Advisory Boards.

In subsequent conversations, the City Council expressed a desire for there to be an 'ad-hoc' group that could be called upon on an as-needed-basis to assist with issues or questions in areas that would have been previously handled by either the Tree Commission or the Natural Resources Advisory Board. This 'ad-hoc' group was proposed to be convened under the Parks and Recreation Advisory Board.

That idea didn't gain full traction with City Council; as such on August 20, 2013 staff presented the concept of combining the duties of the Natural Resources Advisory Board along with some of the duties of the Tree Commission into a new board with an expanded focus. The new board, styled after a similar board in Morgantown, WV, could work on such topics/issues as follows:

- 1) Assist the City and City residents in understanding its responsibility for its own impact on climate change, as well as educate the community in how it can become more energy efficient and climate sensitive.
- 2) Promote the adoption of LEED and Energy Star standards for municipal structures and, when possible, for private commercial and residential construction.

- 3) Study and make recommendations for ways to generate green vehicle and travel solutions for City personnel and departments.
- 4) Evaluate City procurement and disposal policies and practices and make recommendations in collaboration with City personnel that will create more environmentally responsible alternatives.
- 5) Identify and promote renewable energy solutions that are consistent with needs, opportunities and resources available to the Greater Winchester area.
- 6) Advise and consult with the City Manager and the City Council on all matters pertaining to the authority and purpose of the Environmental Sustainability Committee, including issues previously assigned to the Tree Commission and the Natural Resources Advisory Board.
- 7) Support education efforts that will encourage environmental responsibility and energy efficiency, with unique programming.
- 8) Additional duties and tasks as assigned.

Based upon interest expressed by City Council at that August 20, 2013 meeting, the attached ordinance was created and presented to City Council on August 27, 2013. Following discussion, the City Council asked to have more time to review the ordinance and directed it be brought back for an upcoming work session.

BUDGET IMPACT:

None at present, as staff are already assigned to support the Tree Commission and Natural Resources Advisory Board.

OPTIONS:

1. Accept City Council's earlier recommendation to eliminate the Tree Commission and Natural Resources Advisory Board, and authorize the creation of an Environmental Sustainability Taskforce as outlined in the enclosed ordinance.
2. Reject staff's recommendation and provide direction concerning the disposition of the Tree Commission and Natural Resources Advisory Board.
3. Provide direction to staff, and/or take no action at this time.

RECOMMENDATIONS: Option 1

Environmental Sustainability Taskforce Task List

As proposed and shown in Section 30-32. (a) of the attached Code revision, the Environmental Sustainability Taskforce would have six broad areas of responsibility. In effort show some of the possible tasks the Taskforce could address, the following task list has been created.

1) Reduce the impact of the City of Winchester on its environment.

- A. Promote the adoption of LEED and Energy Star standards for municipal structures and, when possible, for private commercial and residential construction.
- B. Serve as Winchester's advisory board for participation in the Virginia Municipal League's Green Challenge designed to encourage implementation of specific environmental policies and practical actions that reduce the carbon emissions generated by both the local government and the broader community.
<http://gogreenva.org/>
- C. Energy Savings Programs for Winchester Businesses – Give awards to Green business etc., encourage energy efficient lighting – track energy savings for businesses that change to help convince others, develop a printer cartridge recycling program etc.
- D. _____

2) Encourage environmental stewardship and education among residents.

- A. Assist the City and City residents in understanding its responsibility for its own impact on climate change, as well as educate the community in how it can become more energy efficient and climate sensitive.
- B. Support education efforts that will encourage environmental responsibility and energy efficiency, with unique programming.
- C. Organize an Earth Day Celebration – downtown events and exhibits, school groups cleaning up parks etc.
- D. _____

3) Encourage collaboration among various entities in the Shenandoah Valley to preserve the environment.

- A. Identify and promote renewable energy solutions that are consistent with needs, opportunities and resources available to the Greater Winchester area.
- B. Organize a 'Grinding of the Greens' to recycle Christmas Trees – the city could collect trees and turn them into mulch for city flower beds.
- C. _____

4) Suggest areas for policy recommendation to the City Manager and City Council.

- A. Study and make recommendations for ways to generate green vehicle and travel solutions for City personnel and departments.
- B. Evaluate City procurement and disposal policies and practices and make recommendations in collaboration with City personnel that will create more environmentally responsible alternatives.
- C. _____

5) The Taskforce also assumes the responsibilities of the former Tree Commission and Natural Resources Advisory Board with respect to permits and appeals as described in Chapter 30.

- A. Advise and consult with the City Manager and the City Council on all matters pertaining to the authority and purpose of the Environmental Sustainability Committee, including issues previously assigned to the Tree Commission and the Natural Resources Advisory Board.
- B. Organize Arbor Day Celebrations
- C. _____

6) The Taskforce may be called upon to render advice to the City Arborist and City Manager regarding the planting and preservation of trees in the City of Winchester.

- A. _____
- B. _____

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15 North Cameron Street
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ORDINANCE TO AMEND THE WINCHESTER CITY CODE, CHAPTER 30. VEGETATION, TO ALLOW FOR THE CREATION OF THE ENVIRONMENTAL SUSTAINABILITY TASKFORCE

Whereas, the Winchester City Council has evaluated the composition of various City appointed boards and commissions; and

Whereas, the Winchester City Council believes that the creation of an Environmental Sustainability Taskforce would be beneficial,

Now therefore it be ordained, that the Winchester City Code, Chapter 30, Vegetation, is hereby amended as shown on the attached, and

Be it further ordained, that with this amendment the Tree Commission and the Natural Resources Advisory Board are eliminated.

Ord. No. _____

**CHAPTER 30
VEGETATION**

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

ARTICLE I. IN GENERAL

SECTIONS 30-1 - 30-15. RESERVED.

ARTICLE II. TREES ON PUBLIC PROPERTY

DIVISION 1. GENERALLY

SECTION 30-16. VIOLATIONS OF ARTICLE.

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

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

- (a) All permits required by this article shall be issued by the City Arborist, ~~who may, at his option, consult the members of the Tree Commission as to such matters.~~ Any and all such permits shall expire at such time as may be designated therein.
- (b) The City Arborist shall advise the applicant and the ~~City Manager, or his designee, chairman of the Tree Commission~~ in writing of his decision to issue or deny any permit required by the Article. Any original permit applicant aggrieved by the decision of the City Arborist to issue or deny any such permit shall have the right to

**Ordinance to Amend the
Winchester City Code,
Chapter 30. Vegetation, to
allow for the creation of
the Environmental
Sustainability Taskforce**

Whereas, the Winchester City Council has evaluated the composition of various City appointed boards and commissions; and

Whereas, the Winchester City Council believes that the creation of an Environmental Sustainability Taskforce would be beneficial,

Now therefore it be ordained, that the Winchester City Code, Chapter 30, Vegetation, is hereby amended as shown on the attached, and

Be it further ordained, that with this amendment the Tree Commission and the Natural Resources Advisory Board are eliminated.

Ord. No. _____

WINCHESTER CODE

appeal the decision to a panel comprised of the City Manager ~~and two members of the Environmental Sustainability Taskforce, as described in Section 30-32, the Tree Commission Chairman, and the Public Services Committee Chairman or their designee~~ by advising the City Manager's Office in writing within ten (10) days of the date of the City Arborist's decision.

(Ord. No. 020-2001, 5-8-2001; Ord. No. 2009-30, 10-13-09)

SECTION 30-18. PERMIT TO PLANT.

It shall be unlawful for any person to plant any tree in any street, park, public place or public grounds of the City, without first having obtained a written permit therefor from the City Arborist, who may, at his option, consult the ~~Free Commission~~ Environmental Sustainability Taskforce, setting forth the variety thereof and the location where the same may be planted, and without in all respects complying with the conditions and terms of such permit.

(Code 1959, §19-9; Ord. No. 020-2001, 5-8-2001; Ord. No. 2009-30, 10-13-09)

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

It shall be unlawful for any person, without first having obtained a written permit from the City Arborist, who may, at his option, consult the ~~Free Commission~~ Environmental Sustainability Taskforce, to attach any wire, insulator, rope, sign, poster, handbill or other thing or substance on, spray or otherwise treat or trim any living tree or any part thereof any tree growing in any street, park or public place or grounds or on any guard or protection device of such tree.

(Code 1959, §§19-1, 19-12; Ord No. 020-2001, 5-8-2001; Ord. No. 2009-30, 10-13-09)

SECTION 30-20. REPEALED.

(Ord. No. 2009-30, 10-13-09)

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

- a) No cutting, meaning removal and/or destruction, of any live tree in any street, park, public place or grounds in connection with the work of any City department or agency of the City, other than the City Manager, or of any public service corporation or other person having a right to use the street, park, public place or grounds shall be done except upon issuance of a permit and in such manner as directed by the City Arborist, who may, at his option, consult the ~~Free Commission~~ Environmental Sustainability Taskforce before directing such work to

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VEGETATION

be performed or issuing any permit for same. (Code 1959, §19-11; Ord. No. 020-2001, 5-8-2001; Ord. No. 2009-30, 10-13-09)

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

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SECTION 30-22. REMOVING OR DAMAGING PROTECTIVE DEVICES.

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

SECTION 30-23. PROTECTION DURING BUILDING OPERATIONS.

In the erection, alteration or repair of any building or structure, the owner thereof shall place, or cause to be placed, in accordance with the directions of the City Arborist, who may, at his option, consult the ~~Tree Commission~~ Environmental Sustainability Taskforce, such guards around nearby trees in the streets or public places or grounds as shall effectively prevent injury to such trees. (Code 1959, §19-14; Ord. No. 020-2001, 5-8-2001; Ord. No. 2009-30, 10-13-09)

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

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

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

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

WINCHESTER CODE

done under the personal direction, such superintendent or custodian of such park, refuge or sanctuary.

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

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

SECTIONS 30-26 - 30-30. RESERVED.

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DIVISION 2. TREE COMMISSION AND CITY ARBORIST

SECTION 30-31. CITY ARBORIST

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

SECTION 30-32. ENVIRONMENTAL SUSTAINABILITY TASKFORCE CREATED; COMPOSITION; APPOINTMENT AND TERMS OF MEMBERS; FILLING VACANCIES.

- (a) There is hereby created an Environmental Sustainability Taskforce that will assume all of the duties and functions previously assigned to the - Tree Commission and the Natural Resources Advisory Board, both of which are hereby disbanded. The Environmental Sustainability Taskforce will also, to be composed of seven members, seven-six (67) qualified voters of whom shall be residents of the City elected-appointed by the Common Council. Initially, three (3) of the members shall be elected-appointed to serve until December 31, 19662015, two three (32) to serve until December 31, 1968,2017 and two (2) to serve until December 31, 1983. Thereafter all members shall serve for a term of four (4) years or until their successors take office. The City Arborist, or aother designee of the City Manager, shall also serve as athe seventh full voting member. The Manager may remove and replace his designee at his discretion. until removed by the City Manager.
- (b) With the exception of the Manager's designee, who may be appointed, removed, or replaced as described in paragraph (a), Vacancies occurring on the Tree CommissionEnvironmental Sustainability Taskforce otherwise than through the expiration of term shall be filled for the unexpired term by the electionappointment of Common Council. (Code 1959, §19-4; Ord. No. 001-80, 1-8-80)
- (c) During the pendency of appointment to fill a vacancy as described in paragraph (b), the Manager may appoint an interim member of the Environmental Sustainability Taskforce who shall serve until such time as Common Council makes an appointment to fill the vacancy as described in paragraph (b).

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(d) In accordance with Section 30-17, within thirty (30) days of receipt of a written appeal of a decision by the Arborist regarding the issuance of a permit pursuant to this Article, the Environmental Sustainability Task Force shall review the Arborist's decision and render a final written decision to sustain, reject, or modify the decision made by the Arborist. Such determination by this committee shall be issued within thirty (30) days of review by the committee and shall be final and unappealable. The meetings of the committee convened pursuant to this section shall be an open public meeting. City Manager or his designee shall appoint a secretary for such meetings who shall be responsible for recording minutes and ensuring that proper public notice is issued for any meetings of the committee. City Manager or his designee shall also ensure that the City Attorney or his designee are provided with proper notice to attend the meetings to provide necessary legal advice as needed by the committee.

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(Code 1959, §19-4; Ord. No. 001-80, 1-8-80)

SECTION 30-33. MEMBERS NOT COMPENSATED.

All members of the ~~Free Commission~~ Environmental Sustainability Taskforce shall serve without compensation.

(Code 1959, §19-4; Ord. No. 001-80, 01-08-80)

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

The members of the Environmental Sustainability Taskforce ~~Free Commission~~ shall, immediately after their appointment, meet and organize. They shall elect a chairman, a vice-chairman and such other officers as they may deem necessary. A majority of the members of the Environmental Sustainability Taskforce ~~Free Commission~~ shall constitute a quorum for the transaction of business.

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

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SECTION 30-35. POWERS AND DUTIES.

The ~~Environmental Sustainability Taskforce~~ ~~Tree Commission~~ is an advisory board created to identify ways to reduce the impact of the City of Winchester on its environment, to encourage environmental stewardship and education among residents, to encourage collaboration among various entities in the Shenandoah Valley to preserve the environment, and to suggest areas for policy recommendation to the City Manager and City Council. The Taskforce also assumes the responsibilities of the former ~~Tree Commission and Natural Resources Advisory Board~~ with respect to permits and appeals as described in Chapter 30, and ~~who~~ may be called upon to render advice to the City Arborist and City Manager regarding the planting and preservation of trees in the City of Winchester. This board serves in an advisory capacity only and possesses no adjudicatory, executive, or legislative powers.

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

SECTION 30-36. RECOMMENDATIONS TO COUNCIL.

The ~~Tree Commission~~ City Arborist, through the City Manager, shall, on or before March 1st of each year, recommend to the Council such regulations as may be necessary for the proper preservation and protection of trees and the improvement of any public park, public place or public grounds, to specifically include recommendations for planting and maintenance of such trees. The City Arborist may consult with the Environmental Sustainability Taskforce in formulating his annual recommendations as deemed necessary by the City Arborist. (Code 1959, §19-7; Ord. No. 020-2001, 5-8-2001)

SECTION 30-37. INTERFERING WITH COMMISSION.

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

SECTIONS 30-38 - 30-48. RESERVED.

WINCHESTER CODE

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

SECTION 30-49. DEFINITIONS.

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

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

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

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

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

VEGETATION

a twenty-four (24) month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.
(Code 1959, §11-5; Ord. No. 022-94, 07-12-94; Ord. No. 13-2006, 4-11-06)

SECTION 30-51. NOTICE TO CUT.

Where grass, weeds or other foreign growth in excess of ten (10) inches in height are found upon property, the code enforcement officer, as defined in section 11-2 shall immediately notify the owner of such property to cut such grass, weeds, or other foreign growth down to a height not to exceed three (3) inches. Notifications shall be made by the same procedure as set forth in Section 11-37 of this Code.

(Code 1959, §11-5; Ord. No. 048-88, 11-15-88; Ord. No. 029-91; 6-11-91; Ord. No. 022-94, 07-12-94; Ord. No. 028-97, 10-14-97)

SECTION 30-52. CUTTING BY THE CITY.

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

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

WINCHESTER CODE

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30 - 10

0-2013-35

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

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

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

ITEM TITLE:

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

STAFF RECOMMENDATION:

Approval

PUBLIC NOTICE AND HEARING:

Public hearing for 11/12/13 Council mtg

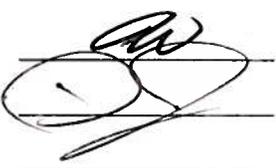
ADVISORY BOARD RECOMMENDATION:

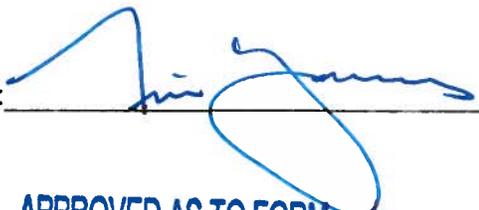
Planning Commission recommended approval.

FUNDING DATA: N/A

INSURANCE: N/A

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. City Attorney			9/18/2013
2. City Manager			9-20-13
3. Clerk of Council			

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



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

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council

From: Will Moore, Planner

Date: September 17, 2013

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

THE ISSUE:

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

RELATIONSHIP TO STRATEGIC PLAN:

Goal 1: Grow the Economy

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

Goal 3: Continue Revitalization of Historic Old Town.

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

BACKGROUND:

See attached staff report

BUDGET IMPACT:

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

OPTIONS:

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

RECOMMENDATIONS:

Planning Commission recommended approval.

Council Work Session
October 1, 2013

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

REQUEST DESCRIPTION

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

AREA DESCRIPTION

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



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

STAFF COMMENTS

Comprehensive Plan

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

Strategic Plan

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

Density

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

Potential Impacts

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

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

RECOMMENDATION

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



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

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

July 17, 2013

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

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

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

Sincerely,

A blue ink signature of Jim Deskins, Executive Director, is written over a blue circular stamp.

Jim Deskins, Executive Director

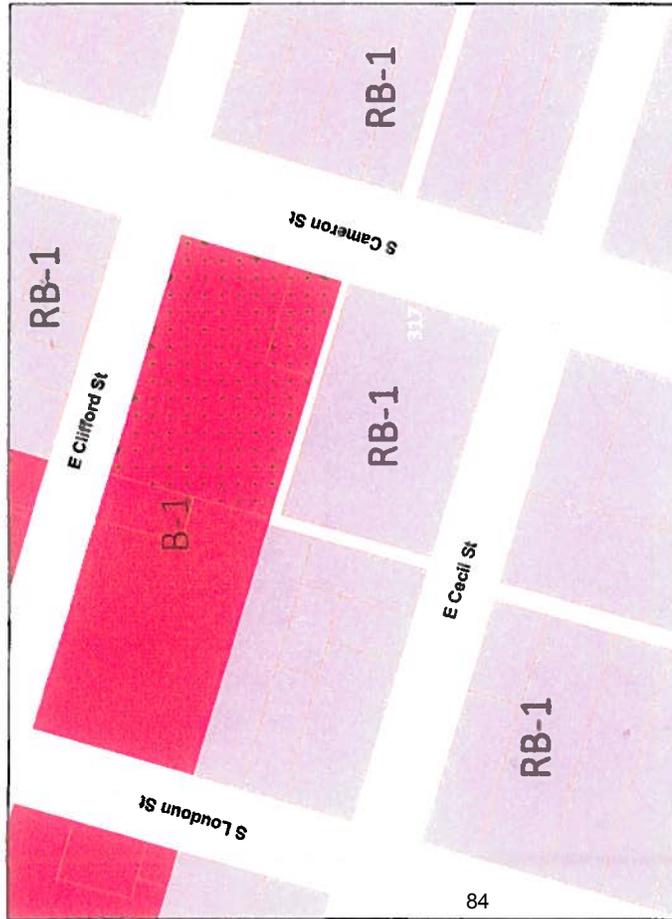
Winchester Economic Development Authority

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

REZONING EXHIBIT

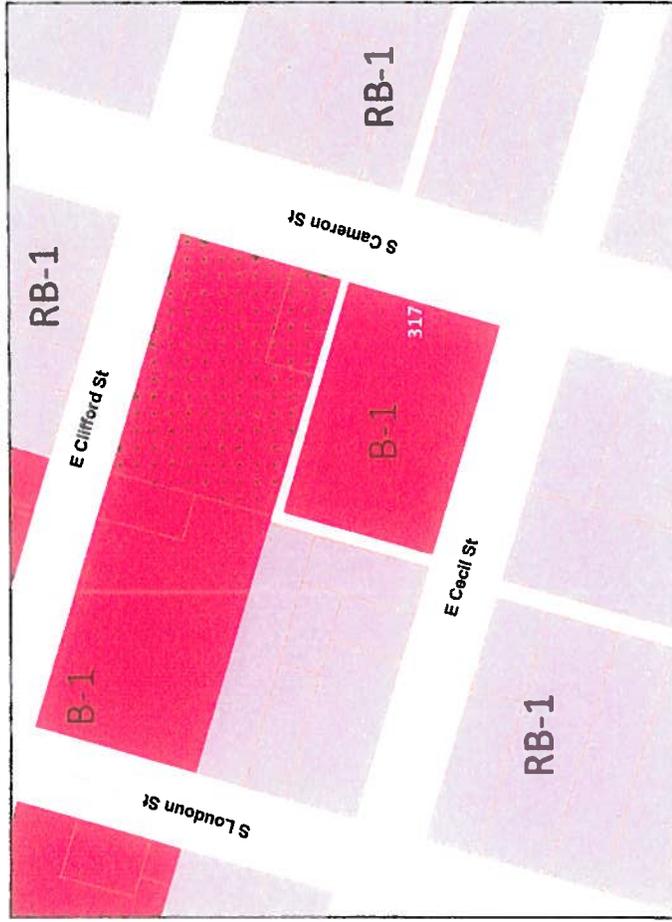
RZ-13-430

PREPARED BY WINCHESTER PLANNING DEPARTMENT
SEPTEMBER 3, 2013



EXISTING

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



PROPOSED

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



Conditional Zoning

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

R-2013-54

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 10/1/13 (work session),
10/8/13(Council mtg)

CUT OFF DATE: 9/18/13

RESOLUTION X ORDINANCE _ PUBLIC HEARING

ITEM TITLE:

RESOLUTION REGARDING COLLECTIVE
INTENT IN APPROVING ORDINANCE #O-2013-25

STAFF RECOMMENDATION:

Approval

PUBLIC NOTICE AND HEARING:

None required

ADVISORY BOARD RECOMMENDATION:

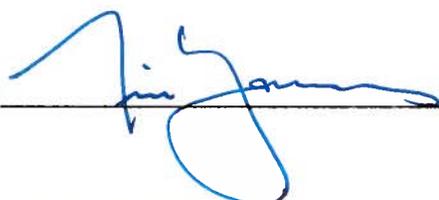
None

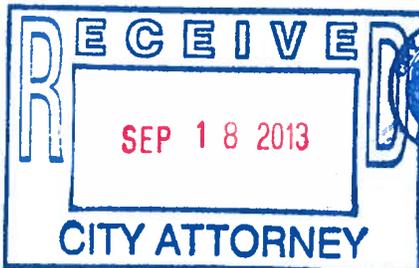
FUNDING DATA: N/A

INSURANCE: N/A

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. City Attorney			9/18/2013
2. City Manager			9-13-13
3. Clerk of Council			

Initiating Department Director's Signature:  9/18/13
(Planning)



APPROVED AS TO FORM:


CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
From: Tim Youmans, Planning Director
Date: September 18, 2013
Re: RESOLUTION REGARDING COLLECTIVE
INTENT IN APPROVING ORDINANCE #O-2013-25

THE ISSUE:

Clarifying Council's collective intent as it pertains to the continued operation and growth of the adjoining O'Sullivan industrial facility in light of the recent Jubal Square PUD rezoning.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 1: Grow the Economy

Objective #6: More manufacturing businesses in Winchester

Goal 4: Create a More Livable Community

Objective #3: Manage future growth, development, and redevelopment consistent with the City's vision, comprehensive plan and development standards and policies.

BACKGROUND:

Following the adoption of an ordinance (O-2013-25) approving the Jubal Square PUD rezoning at the September 10, 2013 Council meeting, at which a representative of O'Sullivan Films, Inc. spoke in opposition to the rezoning, City Council requested that staff prepare a resolution clarifying Council's collective intent as it pertains to the continued operation and growth of the adjoining O'Sullivan industrial facility.

BUDGET IMPACT:

OPTIONS:

- Approve resolution as drafted
- Approve resolution as modified
- Reject resolution

RECOMMENDATIONS:

Approve resolution as a non-binding collective statement of current Council's intent.

**RESOLUTION REGARDING COLLECTIVE
INTENT IN APPROVING ORDINANCE #O-2013-25**

WHEREAS, Common Council for the City of Winchester recognizes and appreciates the contribution that O'Sullivan Films, Inc., ("O'Sullivan") has and continues to make as a corporate citizen through the operation of its manufacturing business from its plant at 1944 Valley Avenue in the City of Winchester;

WHEREAS, O'Sullivan has been in continuous operation in the City of Winchester for more than seventy-five (75) years; and

WHEREAS, it was and remains the hope of Common Council that O'Sullivan will continue to operate its facility and, if at all possible, expand its operations so as to allow it to continue to be a contributing corporate citizen of the City of Winchester and a significant employer; and

WHEREAS, Council recently approved Ordinance #O-2013-25 which authorizes a rezoning of property in the 1900 block of Valley Avenue, 211 and 301 West Jubal Early Drive from limited industrial (M-1) High Density Residential (HR), and Highway Commercial (B-2) Districts to B-2 District with Planned Unit Development (PUD) overlay RZ-13-196 in furtherance of the proposed Jubal Square Development Plan; and

WHEREAS, although it is acknowledged that no significant negative impacts attach to O'Sullivan as a result of the current rezoning, O'Sullivan has expressed that prospective future rezonings affecting the minimum setback requirements could adversely affect the ability of O'Sullivan to continue to operate in a harmonious manner with surrounding citizens and could negatively impact its abilities with regard to future expansion; and

WHEREAS, Common Council recognizes and acknowledges that the law requires that Zoning be governed by the public interest and that the law prohibits a governing body from entering into private agreements to zone or rezone property in furtherance of private interests; and

WHEREAS, Common Council further recognizes and acknowledges that it is not able to bind and does not intend to bind this Council or future Councils to any particular course of action regarding future rezoning in this area; and

WHEREAS, the adoption of this Resolution is intended only for the purpose of providing a historical memorialization of the collective thoughts and intentions of Common Council at the present time upon its approval of Ordinance #O-2013-25.

NOW therefore be it RESOLVED that Common Council for the City of Winchester hereby affirms it has no current plans to implement City-initiated rezonings impacting setback requirements in the manner described by O'Sullivan, and that before approving any such proposal, this Council would encourage the strong consideration of any negative impacts that future proposals for rezoning in this area could have upon O'Sullivan and its perceived ability to continue as the good and valued corporate partner to the City of Winchester that it has been for the past seventy-five (75) years.

2013 Fire and Rescue Department Statistics

Month	Incidents											Casualties		Training Hours		Resuscitation Efforts	
	EMS	Fire	Total	Struc. Fire	Fire Other	ALS 1	ALS 2	BLS	Pt. Ref.	Mutual Aid Given	Mutual Aid Recvd.	Fire	Civ.	Dept. Personnel	LFCC Ride-Along Students	Cardiac Arrest	Cardiac Arrest Saved
January	349	96	445	5	91	160	2	137	21	50	13	1	0	935	0	1	1
February	309	65	374	2	63	138	1	109	25	18	13	0	1	424	0	2	1
March	390	103	493	7	96	171	6	161	23	40	7	0	1	879	12	4	2
April	333	95	428	3	92	153	3	130	19	27	15	1	0	872	282	1	0
May	388	113	501	5	108	144	5	144	30	35	11	1	2	410	54	3	1
June	341	112	453	8	104	134	4	150	31	39	10	0	3	386	0	4	1
July	388	106	494	7	99	170	7	137	29	39	15	0	0	1444	0	4	1
August	357	105	462	6	99	175	2	123	27	25	6	2	0	1467	0	1	0
September			0		0												
October			0		0												
November			0		0												
December			0		0												
TOTAL	2855	795	3650	43	752	1245	30	1091	205	273	90	5	7	6816	348	20	7
																35.00%	

26.3% National Average

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

Other Monthly Activity:



Retirement of Battalion Chief Whitacre and the Promotional of Lt. Jon Henschel to Battalion Chief



Bellview Ave. Fire

2013 EMS Revenue Recovery Statistics

	Total billed	Payment Adj.	Net Collectable	Total paid by insurance	Patient Payment	Refunds	Total Deposit	Total Revenue	Increase from FY2012	Percent Increase From FY2012
JULY	\$163,418.00	\$21,816.44	\$141,601.56	\$151,400.31	\$9,148.96	\$0.00	\$80,835.01	\$80,835.01	\$6,999.94	9%
AUGUST	\$152,524.00	\$6,793.30	\$145,730.70	\$73,522.65	\$6,533.14	\$786.97	\$79,268.82	\$160,103.83	\$561.43	0%
SEPTEMBER										
OCTOBER										
NOVEMBER										
DECEMBER										
JANUARY										
FEBRUARY										
MARCH										
APRIL										
MAY										
JUNE										
TOTALS	\$315,942.00	\$28,609.74	\$287,332.26	\$224,922.96	\$15,682.10	\$786.97	\$160,103.83			56%



2013 Fire Marshal Division Statistics

Month	City Fire Property Dollar Loss/Save			Plan Review		Inspections/Investigations								Public Education			
	Loss	Value	Saved	#	Revenue	Fire Insp.	Follow-up	Sprinkler	Alarm	Supres.	Site	Other Insp.	Investig.	Smoke Alarms Installs	Car Seat Installs	Pub Ed Children	Pub Ed Adult
January	\$100.00	\$175,000.00	\$174,900.00	2	\$75.99	10	18	2	3	1	1	0	0	0	13	2	17
February	\$600.00	\$107,000.00	\$106,400.00	9	\$0.00	16	9	3	0	0	0	0	1	2	10	64	53
March	\$0.00	\$0.00	\$0.00	11	\$758.30	14	18	8	0	1	2	42	0	4	8	15	40
April	\$26,100.00	\$111,100.00	\$85,000.00	5	\$214.20	38	26	2	0	0	0	21	2	1	4	2	8
May	\$105,500.00	\$148,400.00	\$42,900.00	14	\$1,239.86	8	9	5	1	3	0	23	1	1	11	143	43
June	\$98,000.00	\$17,846,200.00	\$17,748,200.00	6	\$517.16	15	14	4	3	3	3	10	3	1	3	113	19
July	\$7,250.00	\$8,100.00	\$850.00	14	\$1,159.18	14	19	3	4	1	1	7	3	1	14	48	20
August	\$309,262.00	\$1,469,204.00	\$1,159,942.00	3	\$68.34	16	20	4	1	4	1	13	2	7	13	219	332
September					\$0.00												
October					\$0.00												
November					\$0.00												
December					\$0.00												
TOTAL	\$546,812.00	\$19,865,004.00	\$19,318,192.00	64	\$4,033.03	131	133	31	12	13	8	116	12	17	76	606	532



2013 Station/Apparatus Statistics

	Station Logbook Runs			
Month	1	2	4	5
January	174	73	151	196
February	148	71	122	180
March	188	80	180	215
April	164	80	161	203
May	173	72	157	226
June	168	77	137	218
July	202	89	152	229
August	183	72	156	194
September				
October				
November				
December				
TOTAL	1400	614	1216	1661