



## **City Council Work Session**

**Tuesday, October 7, 2014**

**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 Presentation:** Overview of Committee On Council reOrganization (COCO) Report and Recommendations – Tim Youmans, Planning Director (pages 3-17)

**3.2 O-2014-36:** AN ORDINANCE TO GRANT A PERMANENT EASEMENT TO TAYLOR PAVILION, LLC WITHIN THE PUBLIC RIGHT-OF-WAY IN FRONT OF 121-129 NORTH LOUDOUN STREET – Tyler Schenck, Economic Development Coordinator (pages 18-21)

**3.3 R-2014-33:** Resolution – Approval of the series of amendments made to the Citizen Participation Plan pending final public comment – Tyler Schenck, Economic Development Coordinator (pages 22-37)

**3.4 R-2014-40:** Resolution – Provisional approval of amendments to the 2013-2017 Consolidated Plan pending future public comment – Tyler Schenck, Economic Development Coordinator (pages 38-42)

**3.5 R-2014-41:** Resolution – Authorization to submit an amendment application to the Virginia Department of Housing and Community Development regarding the City of Winchester Enterprise Zone Program – Tyler Schenck, Economic Development Coordinator (pages 43-65)

**3.6 R-2014-42** – Adoption of Consolidated Annual Performance and Evaluation Report (CAPER) – Tyler Schenck, Economic Development Coordinator (pages 66-100)

**3.7 O-2014-41: Ordinance** – AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF 200-214 NORTH CAMERON STREET FOR THE PURPOSE OF CONSTRUCTING A PUBLIC FACILITY (“EVENTS CENTER”) (pages 101-103)

**3.8 Discussion** – Proposed Changes to Telecommunications Review Process – Aaron Grisdale – Director of Zoning & Inspections (pages 104-113)

#### **4.0 Executive Session**

**4.1** MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY ON MATTERS OF ACTUAL OR PROBABLE LITIGATION AND PURSUANT TO §2.2-3711(A) (1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF THE EMPLOYMENT, ASSIGNMENT, APPOINTMENT, AND PERFORMANCE OF SPECIFIC PUBLIC OFFICERS APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER INCLUDING THE APPOINTMENT OF OR PROSPECTIVE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS.

#### **5.0 Adjournment**

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 10/7/14 work session CUT OFF DATE: 9/30/14

RESOLUTION \_\_\_ ORDINANCE PUBLIC HEARING

ITEM TITLE:

Overview of Committee On Council reOrganization (COCO) Report and Recommendations

STAFF RECOMMENDATION:

Overview and discussion

PUBLIC NOTICE AND HEARING:

None required

ADVISORY BOARD RECOMMENDATION:

Reports of COCO (2000) and Citizens Committee (2002) attached.

FUNDING DATA: N/A

INSURANCE: N/A

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. City Attorney	<i>[Signature]</i>		9/30/2014
2. City Manager	<i>[Signature]</i>		1 Oct 2014
3. Clerk of Council			

Initiating Department Director's

Signature: *[Signature]*  
Tim Youmans, Planning Director

9/29/14



APPROVED AS TO FORM:

*[Signature]* 9/30/2014  
CITY ATTORNEY

## **STAFF REPORT**

(updated in September 2014 by Planning Director Tim Youmans)

### **TITLE**

Overview of Committee On Council reOrganization (COCO) Report and Recommendations

### **BACKGROUND**

In January of 1999, then Council President Omps appointed a Committee on Council Reorganization to consider a number of aspects pertaining to Winchester government. Philip Groves was appointed as chairman of the committee. The report of the committee was presented to City Council in 2000 as contained in report dated April 4, 2000 which is attached.

A Citizens Committee to Study City Election Districts and Procedures was appointed by the Council President in 2002 after Council decided to reduce the size of City Council from 13 down to 9 members. This committee began meeting in June of 2002 and eventually presented two recommendations for redistricting- neither of which followed the COCO recommendation calling for three wards and a Council comprised of six councilors in addition to the Mayor.

On November 19, 2002, the Citizens Committee unanimously recommended a single redistricting plan calling for four wards. The detailed recommendation is contained in a report which is attached. The report also addressed other COCO recommendations such as when elections are held, whether or not the Mayor should serve as President, and how much Council members should be compensated.

In a special session on May 27, 2003, City Council adopted a resolution expressing its intent to adopt the recommendations of the Citizens Committee to Study Election Districts and Procedures. The resolution also authorized the submission of the Plan to the U.S. Department of Justice (DOJ) for review. The Plan was ultimately approved by the DOJ.

Beginning in 2006, City Council began transitioning from a thirteen (13) member body to a nine (9) member body. The transition was completed in 2008, upon the expiration of existing council terms affected by the transition. Beginning with the November 2006 election, two council members have been elected from each of the four wards, and the Mayor continues to be elected at large.

At the December 12, 2006 Council meeting, an ordinance to increase Council salaries was adopted. The ordinance was approved to take effect on July 1, 2009.

In October of 2009, consistent with an initial COCO recommendation, City Council abolished all standing committees of Council and began holding work sessions as a 'Committee-of-the-Whole', initially with one work session a month and eventually holding two regularly scheduled work sessions each month.

### **CURRENT SITUATION**

Following release of the 2010 Census, significant shifts in population within each of the four election districts led to state-mandated redistricting in 2011. Federal Law requires localities to

use the most recent U.S. Census redistricting data to ensure compliance with the constitutional premise of 'One Person/One Vote'. Council appointed a three-member citizen panel to work with the Voter Registrar and City Planning Director to recommend a redistricting plan that met State and Federal requirements using the 2010 U.S. Census data to delineate roughly equal sized voter wards in terms of total population. Council adopted the recommendation of the citizen panel to select 'Option C' as the preferred alternative for redistricting of population within the four voter wards and to establish a second voting precinct within the Fourth Ward due to high voter turnout in that ward.

Among the recommendations of COCO from the April 2000 report which were not implemented or otherwise modified by the Citizens Committee report of 2004 are the recommendations to:

- Have the Mayor preside over Council
- Abolish the offices of President and Vice President

### **FISCAL AND POLICY IMPLICATIONS**

The only two fiscal implications from the COCO recommendations were the one calling for increased Council compensation and the one calling for extending the City's fringe benefits to the Mayor and Council members.

In 2000, COCO recommended salaries of \$6,500 for the Mayor and \$6,000 for Councilors. In 2004, the Citizens Committee recommended \$7,000 for the Mayor and \$6,000 for Councilors. In 2006 Council adopted salaries of \$4,800 for the Mayor and \$3,600 for Councilors.

On March 12, 2013, Council voted 7-0-1 (Buettner absent, Weber abstained) to increase the salaries of the Mayor and the members of Council. The salary of the members of the Common Council will be increased to Seven Hundred and Fifty Dollars (\$750) per month, and the salary of the Mayor and Council President will be increased to Nine Hundred Dollars (\$900) per month. Such increases will take effect July 1, 2015. Virginia Code Section 15.2-1414.6 permits a city of Winchester's size to pay its Common Council members up to Twelve Thousand Dollars (\$12,000) per year and its Mayor up to Thirteen Thousand Dollars (\$13,000) per year

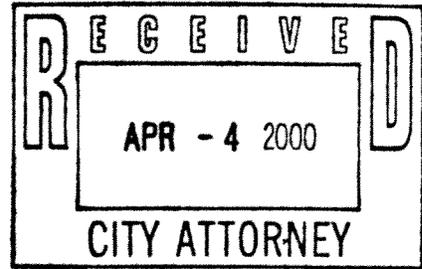
The issue of extending the City's fringe benefits to the Mayor and Council members was addressed in a presentation by former HR Director Joel Davis at the November 20, 2012 Council Work Session. A 'Resolution to Provide Health and Dental Benefits to Members of Common Council' was adopted by Council at the December 11, 2012 Council meeting.

### **STRATEGIC PLAN RELEVANCY**

Goal#3: Develop a High Performing Organization

Means to Citizens#6: Opportunities to become involved in City governance and service delivery

PHILIP E. GROVES



April 4, 2000

Honorable Larry Omps, President  
Common Council of the City of Winchester  
Winchester, Virginia

Dear President Omps:

It is my pleasure to submit the attached report of the Committee on Council Reorganization to you and members of council.

The committee appreciates the opportunity you gave us to consider these matters, and we look forward to discussing our recommendations with all of you.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip E. Groves".

Philip E. Groves, Chairman

The Committee on Council Reorganization was appointed by the President of the Winchester City Council in January 1999 and was charged with considering the following aspects of Winchester's government:

- Committee organization
- Council size
- Consolidation of the Mayor and President positions
- Election procedures
- Election timing
- Council member compensation

After meeting periodically over the past 14 months to discuss these topics, consider various written materials, and hear from various invited persons, the committee makes the following recommendations.

(It should be pointed out that the Committee felt strongly that the recommendations should be considered, voted upon, and presented in the order in which this reports sets them forth. Each recommendation depended on the outcome of the vote taken on the previous question.)

***Council should operate as a committee of the whole.***  
***Standing committees should be abolished.*** Vote: unanimous.

The Committee felt that the question of committee organization was the most important issue to be considered, and put it ahead of all other matters.

The majority of this committee (7 members) is currently or has previously served on Council, and other members have served on major boards which had similar committee structures. While the experiences of those members varied widely with regard to their experience and satisfaction with a committee system, it was generally felt that operating as a committee of the whole would provide for more viewpoints and greater diversity of opinion at decision-making time.

In addition, the sharing of information, communication among members and staff, efficiency of administration, and quality of debate would all be enhanced.

There was some concern that the time requirements on councilors might increase, but it was felt that this should not be the deciding factor, for a number of reasons. Several present councilors stated that the current council often functions as a committee of the whole, and that their work load would not be increased. Many items on current committee agendas can safely be delegated to staff. The public perception of Council's decision-making process would be improved.

The committee also felt that it would be appropriate for the various city departments to have a member of council designated as liaison with council, to relay information and concerns.

***Council should consist of 7 members, which number includes the Mayor.*** Vote: 8 in favor, 2 opposed.

Again, the experience of the members of the committee and of various persons who communicated with or appeared before the committee varied widely. There was strong sentiment from some that the present size of 13 should be retained. The majority (9 of 11 members) felt, however, that a reduction in size would be preferable, either to 9 with a committee structure, or to 7 without a committee structure.

As discussed above, the abolition of the committee structure was felt to be very important, and therefore the majority favored a council of 7.

The committee was also optimistic about the increased accountability and quality of service which a smaller council would require; about the public's perception that their representation is not diffused and that they have a closer connection with their government; full slates resulting in increased public interest in elections.

***The Mayor should be elected at large.*** Vote: unanimous.

The committee saw no reason to change the current procedure.

***The publicly elected Mayor should preside over Council.***  
Vote: unanimous.

The committee felt that the public perception that in electing a "Mayor" they were electing the head of their government should be correct. It was felt that there has been considerable confusion in the past over the role of the Mayor if he or she was not the head of Council, and was not a member of any committees.

***The offices of President and Vice President of Council should be abolished.*** Vote: unanimous.

With the Mayor presiding over Council, there is no need for these offices.

***The City should be divided into 3 voting districts, each district to elect two councilors, for a total of 6 councilors. These councilors would serve with the Mayor who would be elected from all districts (at large). Terms would be for 4 years, staggered to provide for elections every 2 years.*** Vote: Unanimous.

The committee was hopeful that increasing the districts from the current 2 wards will engender greater diversity and opportunity for election to council, and will foster greater interest in elections. When voting for a council representative, each voter will be presented with maximum of 2 names to choose between. Only one lever will be pulled. This contrasts with the present system of being presented with up to 6 names, with 3 levers to be pulled.

***Council elections must remain in May.***

It was thought that voter turnout might be increased by

holding elections in November, but Mr. Robinett, city attorney, has advised that this is impermissible by statute and so the idea was not discussed further.

***The Mayor should be allowed and paid a salary of \$6,500 annually for his services. Council members should be paid \$6,000 annually.*** Vote: 7 in favor, 2 opposed, 1 abstention.

There was some sentiment that these positions should not be compensated. However, Virginia law provides that "each member of the council of each city shall be allowed and paid out of the city levy an annual salary in equal monthly installments...for his services in attending the meetings of the council and in discharging the duties imposed by law upon him. (15.2-1414.5, effective 1998)

Virginia has set a limit of \$13,000 for Mayors and \$12,000 for councilors in cities of Winchester's size. After reviewing the compensation paid in other cities comparable to Winchester, it was felt that an appropriate level would be half of the statutory maximum.

***The Mayor and Council members should be compensated with such benefits as are provided city employees by the City.*** Vote: 8 in favor, 1 opposed, 1 abstention.

The committee also felt that extending the city's fringe benefits to council members would be appropriate, and possibly of greater value than the salary allowance.

One committee member felt strongly that as councilors are not city employees, they should not be accorded these benefits as a matter of principle.

### **Other Considerations**

The Committee discussed the current suit which has been filed to bring the City out of "preclearance" requirements of the

Voting Rights Act; feasibility of changes to City Charter; considerations in redrawing electing district lines; and effect on other boards, such as the School Board, whose members are appointed by precinct as well as at large.

It was felt that the ease or difficulty of implementing the committee recommendations, and the ramifications of its opinions, were matters within Council's purview, and should not influence the committee's considerations.

### **Communications**

In addition to phone calls and personal conversations, the committee received a number of letters and heard from a number of speakers. Copies of the letters are attached. The speakers included:

*James Longerbeam, then Chairman of the Frederick County Board of Supervisors.*

With Frederick County having more than twice population of Winchester but with a board less than half the size of council, the committee was interested in talking to its head to discern any problems which council could avoid and to learn of any benefits it might take advantage of.

The board operates with a committee system: there are 8 standing committees; each supervisor serves on 3 committees; each committee has 1 or 2 supervisors; and each committee has 3 or 4 non-elected citizen members, chosen by the chairman.

*Anita Shull, member of Frederick County's Finance Committee and Vice President of Marshall National Bank & Trust Company.*

Mrs. Shull was appointed to the county's finance committee as a non-elected citizen representative. She spends several hours a month reading finance materials, and several more in attending committee meetings. She stated that she gets phone calls from

county residents just like the elected representatives do, and that she, like all non-elected committee members, are privileged to vote on committee recommendations. (The county finance committee consists of 2 elected representatives and 3 non-elected representatives.)

*Michael Foreman, former council member and presently Clerk of the Circuit Court of the City of Winchester.*

Mr. Foreman's remarks are attached in a printed release.

*Charles McDaniel, former council member, City of Fredericksburg.*

Mr. McDaniel led the effort to reduce the size of Fredericksburg's city council from 12 members (including a non-voting Mayor) to its current membership of 7. Previously, the Mayor presided at council, and all members were elected at-large. Council members (and staff) were generally not satisfied with the committee system then in place, and issues were debated both in committee and again in full council. A citizens' group was organized to reform council, making the committee system an issue. By referendum, 70% of the city was in favor of a smaller council. Fredericksburg now has 4 voting districts, with 1 councilor from each district, and another 3 (including the mayor) elected at large.

Mr. McDaniel was strongly in favor of a smaller council operating without committees, and for increased delegation to staff with council concentrating on policy issues.

*Respectfully submitted,*

**Stephen Bauserman**  
**Jeffrey Buettner**  
**Betty Burkholder**  
**Gary Chrisman**  
**Alexander Iden**

**Walter Knee**  
**Elizabeth Minor**  
**John Schroth**  
**Strother Shiley**  
**Diane Sinclair**  
**Philip Groves, Chairman**

# Report of the Citizens Committee to Study City Election Districts and Procedures

## Organization and Mission

The Citizens Committee to Study City Election Districts and Procedures ("The Committee") was appointed by the President of the Council after The City Council, in special work session, decided to reduce the size of Council to 9 members (including the Mayor). The Committee first met for orientation on June 5, 2002. At that time The Committee was given the following charge:

1. Create a plan to elect the Council addressing such issues as the timing of the elections, single member vs. multi-member districts and the number of at-large positions.
2. Based on that plan, recommend new boundaries for the election districts.

Additionally, The Committee was given three goals to keep in mind while doing its work:

1. Provide for elections that will fit with the new 9-member Council.
2. Ensure an election process that is open and encourages the participation of citizens from various neighborhoods throughout the City.
3. Make the plan simple and understandable.

The Committee met periodically beginning on August 20, 2002. After considering several options, The Committee decided upon a plan of election and formed a subcommittee to look into new election districts. That subcommittee came up with two plans and presented them for final consideration on November 19, 2002.

## The Plan of Election

***The Committee unanimously recommends that the city be divided into four wards with one polling place in each. Every two years, each ward would elect one member of council, who would serve a four-year term. Therefore, each ward (and each citizen) would be represented by two councilors, each elected to staggered four-year terms.***

The Committee approached the question of Council elections with several issues in mind:

- Geographic Diversity – it was hoped that we could create a system that would encourage a council with citizens from several different neighborhoods across the city.
- A Simpler System – it was our goal to eliminate the confusing system of multi-candidate elections in multi-member districts.
- Staggered Elections – it was felt that the entire city should vote every two years in order that the political pulse of all citizens is regularly measured, as it is now.

With those goals in mind, the Committee looked at several different plans, including plans to divide the city into four or eight wards. Another plan would have been modeled

after one adopted by Fredericksburg with a combination of ward and at-large members. After some back and forth discussion, the committee agreed to the recommended plan as the one best able to deliver on the criteria of diversity, simplicity and regular citywide elections.

*The Committee unanimously recommends that the mayor continue to be elected at-large for a four-year term during the council elections occurring in the presidential election year.*

### The Election Districts

The current First Ward is divided into three precincts (Frederick Douglass, War Memorial and South End) and the current Second Ward into two (Friendship and Library). The Committee began with the assumption that the Library and Friendship precincts would provide the basis for two of the four new wards. The three more southern precincts would be divided into the two other wards.

In setting the new boundaries, The Committee was guided by the following criteria, as set out in the Division of Legislative Services' Guide to Local Redistricting:

- Population Equality – each ward must be within 5% of the median (*the median for a four-ward system is 5896 people; each ward could have from 5602 to 6190 people*)
- Compactness
- Contiguity
- Communities of Interest
- Political Fairness or Competitiveness
- Voter Convenience
- Effective Administration of elections

Using the 2000 Census information and reviewing the above criteria, The Committee decided to make the current Friendship precinct a starting point. According to the census figures, approximately 10% of the city's population is black; other minorities combined make up another 10%. Further, The Committee was aware that approximately half of the city's black population live in the Friendship precinct and took care not to dilute minority electoral strength.

The Library then became the basis for another ward. Beyond those two, The Committee looked at competing plans regarding the rest of the city. One would have divided the city along a North-South line (dividing the first ward into an east and a west district) and the other would create a central ward based out of War Memorial and a southern ward based out of Frederick Douglass school. After reviewing the plans at a meeting on November 19, a unanimous decision was reached to recommend the southern ward plan. Therefore:

*The Committee unanimously recommends the following boundaries for the four wards of the City:*

***Ward 1 (currently voting at Handley Library)***

Starting Point: Railroad tracks west of Pennsylvania Avenue where Fairmont Avenue enters the city from the north. Follow the railroad south to Wyck St.; Wyck St. east to Loudoun St.; Loudoun St. south to Valley Ave./Gerrard St.; Valley Ave. south to the railroad tracks which cross Valley Ave. south of Jubal Early Dr.; west along the tracks to the city/county line; follow the line west, then north and then east until meeting the starting point.

Population: 6,089

***Ward 2 (currently voting at Friendship Fire Hall)***

Starting Point: Northernmost point of city/county line at the railroad tracks west of Pennsylvania Avenue; follow the tracks south to Wyck St.; Wyck St. east to Loudoun St.; Loudoun St. south to Gerrard Ave./Valley Ave.; Gerrard St. east to Kent St.; Kent St. north to Pall Mall St.; Pall Mall St. east to the raised railroad tracks; railroad north to Cork St.; Cork St. east to Pleasant Valley Rd.; Pleasant Valley Rd. north to Berryville Ave.; Berryville Ave. east to Baker Lane; Baker Lane north to the city/county line; follow the line west, then north and west again until reaching the starting point.

Population: 5,834

***Ward 3 (currently voting at The War Memorial Building)***

Starting Point: Baker Lane at city/county line; follow the line east, then south along I-I-81 until it reaches Jubal Early Dr.; Jubal Early Dr. west to Loudoun St.; Loudoun St. north to Bellview Ave.; Bellview Ave. west to Braddock St.; Braddock St. north to Lambden Ave.; Lambden Ave. west to Valley Ave.; Valley Ave. north to Gerrard St.; Gerrard St. east to Kent St.; Kent St. north to Pall Mall St.; Pall Mall St. east to the raised railroad tracks; railroad north to Cork St.; Cork St. east to Pleasant Valley Rd.; Pleasant Valley Rd. north to Berryville Ave.; Berryville Ave. east to Baker Lane; Baker Lane north to city/county line.

Population: 5,927

***Ward 4 (currently voting at Frederick Douglass Elementary School)***

All areas south of the following line: Jubal Early Dr. from its eastern entry into the city, following Jubal Early Dr. west to Loudoun St.; Loudoun St. north to Bellview Ave.; Bellview Ave. west to Braddock St.; Braddock St. north to Lambden Ave.; Lambden Ave. west to Valley Ave.; Valley Ave. south to the railroad tracks south of Jubal Early Dr.; follow the railroad west to the city/county line.

Population: 5,735

## Phasing of the Plan

***The Committee unanimously recommends that this reform be phased in over two elections, beginning with the 2006 elections.***

The reform of council elections will need to be phased in over two elections. Since the changes require assembly approval, it would appear that the earliest that the legislation would be ready for the General Assembly would be the 2004 session, too late for that year's elections. Therefore, it can be assumed that the city will still elect 6 councilors and the mayor in the two-ward system in 2004. The new four single member districts would each elect a councilor in 2006, reducing the council size to 11. In 2008, those districts would elect their second representative and the mayor, bringing the council size down to 9.

## Additional Issues Addressed

The Committee followed up on some of the issues originally discussed by the Committee on Council Reorganization, which was chaired by Philip E. Groves and which submitted its recommendations to Council in April, 2000.

***The Committee unanimously recommends that elections for council be moved from May to November.***

The COCO report from 2000 considered this issue, but declined to take a position because it was not allowed at that time. Since then, the legislature has authorized cities to move their local elections from May to November. This can be done by ordinance. The Committee feels that moving the elections would increase voter turnout without diluting voter awareness. If the city holds elections in single member district, as proposed, this change should not complicate the voters' ballot. It will also be cheaper and more efficient for the voter registrar and the city.

***The Committee recommends, by a vote of 11 to 1, with one absent, that the Mayor become the presiding officer of the council and perform the duties currently carried out by the President of Council.***

The Committee majority feels that a mayor elected at-large by the voters should expect to serve as the president/presiding officer of the council. Otherwise, there does not seem to be a reason to have a separately elected mayor.

***The Committee recommends, with one abstention, that members of council receive a salary of \$6,000 per year, except for the Mayor, who would receive \$7,000 per year.***

The Committee feels that members of Council serve long hours well beyond the monthly business meetings and often have expenses that are not covered by the very low compensation they currently receive. Such a salary increase is not out of line with what other jurisdictions in Virginia have and it certainly seems fair to help defray the costs of a job considered mainly a public service.

## Overall Advantages to The Plan

The Committee feels that this plan will encourage a more geographically diverse council. The local elections will be more neighborhood oriented. The single member districts will likely result in one on one elections, which is a benefit to both the citizens and the councilors. More citizens will know who their representatives are and councilors and candidates will find it easier to engage in retail politics (door to door canvassing, neighborhood meetings, etc). Campaigns should be clearer to the voters and less costly to the candidates. All of these factors seem likely to encourage more citizens to consider running for council.

In addition, using the current polling places, this would seem a good opportunity to eliminate one of them (likely South End), which would reduce the costs to the city of conducting the elections. Of course, choosing the appropriate polling places remains the decision of the Voter Registrar.

0-2014-36

**CITY OF WINCHESTER, VIRGINIA**

**PROPOSED CITY COUNCIL AGENDA ITEM**

**CITY COUNCIL/COMMITTEE MEETING OF:** August 19, 2014 **CUT OFF DATE:** \_\_

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

**ITEM TITLE:** Ordinance to Grant a Permanent Easement to Taylor Pavilion, LLC within the Public Right-of-way in Front of 121 N. Loudoun Street

**STAFF RECOMMENDATION:** Approval

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

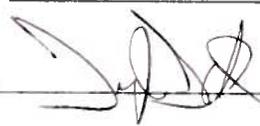
**ADVISORY BOARD RECOMMENDATION:** The Economic Development Authority recommends the City's approval of this Ordinance

**FUNDING DATA:** N/A

**INSURANCE:** N/A

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Planning			7/28/14
2. _____			
3. _____			
4. City Attorney			8/4/2014
5. City Manager			5 Aug 2014
6. Clerk of Council			

Initiating Department Director's Signature:  \_\_\_\_\_ Date: 7/28/14

Economic Development Coordinator



**APPROVED AS TO FORM:**

 8/4/2014  
**CITY ATTORNEY**

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Tyler Schenck, Economic Development Coordinator  
**Date:** 8/19/2014  
**Re:** Ordinance to Grant a Permanent Easement to Taylor Pavilion, LLC within the Public Right-of-way in Front of 121 N. Loudoun Street

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**THE ISSUE:** Seeking a permanent easement from the City to Taylor Pavilion, LLC for the columns and stairways exiting the front of the Taylor Hotel porch that encroach on the public right-of-way.

**RELATIONSHIP TO STRATEGIC PLAN:** Will assist in the Common Council's desire to continue the revitalization of Old Town.

**BACKGROUND:** Granting this easement to Taylor Pavilion, LLC will halt their current encroachment on City land and prevent potential property right dispute.

**BUDGET IMPACT:** N/A

**OPTIONS:** Council may approve or disapprove this Ordinance

**RECOMMENDATIONS:** City Staff recommends that the Common Council approve this Ordinance.

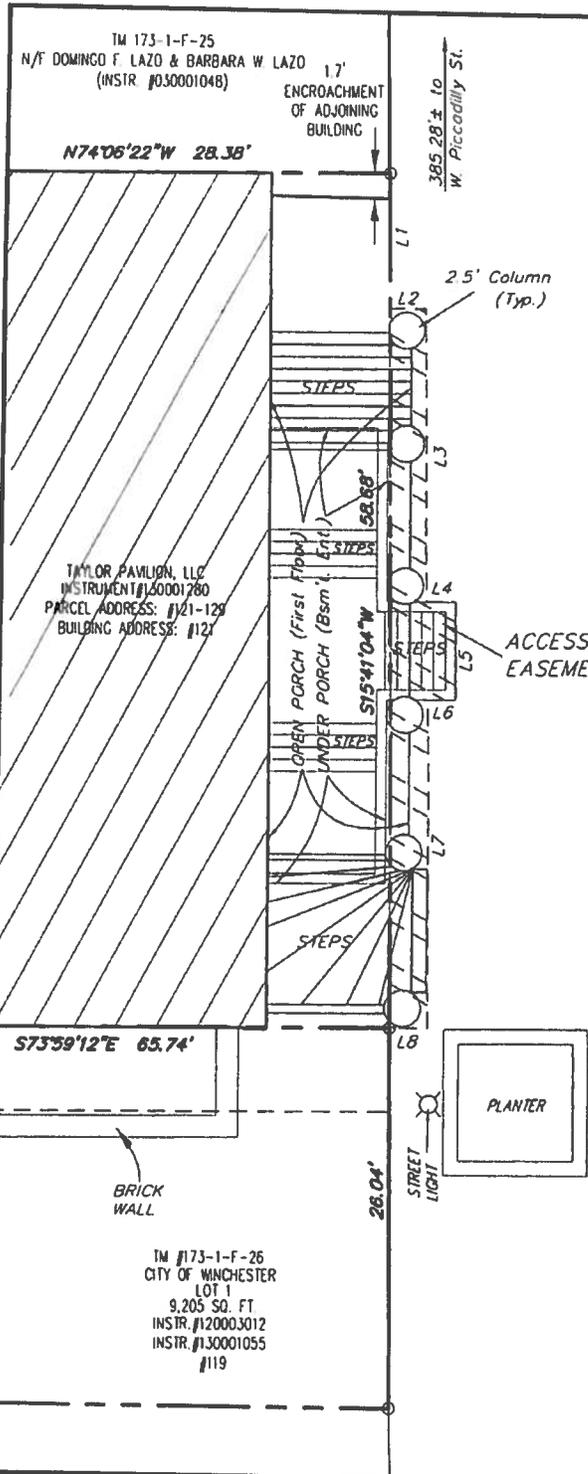
**AN ORDINANCE TO GRANT A PERMANENT EASEMENT TO TAYLOR PAVILION, LLC WITHIN THE PUBLIC RIGHT-OF-WAY IN FRONT OF 121-129 NORTH LOUDOUN STREET**

WHEREAS, the rehabilitation of the Taylor Hotel is complete; and

WHEREAS, the Taylor Hotel has columns and stairways on the front of the property that encroach on the public right-of-way.

NOW THEREFORE BE IT ORDAINED, that a permanent easement is hereby conveyed to Taylor Pavilion, LLC in and over the public right-of-way on the Loudoun Street Pedestrian Mall adjacent to 121-129 North Loudoun Street in the areas shown on the attached drawing. The easement will permit the placement of columns and stairs that extend on both sides and underneath of the porch on the first floor at the Taylor Hotel; and

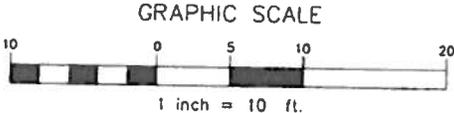
BE IT FURTHER ORDAINED that the easement shall be for the sole purpose of the placement of columns and entrance steps to the Taylor Hotel. No other improvement may be placed in such easement.



ACCESS EASEMENT LINE TABLE

LINE	BEARING	DISTANCE
L1	S15°41'04"W	9.43'
L2	N74°18'56"W	2.50'
L3	S15°41'04"W	20.07'
L4	N74°18'56"W	2.00'
L5	S15°41'04"W	6.70'
L6	N74°18'56"W	1.90'
L7	S15°41'04"W	22.48'
L8	N74°18'56"W	2.60'

NORTH LOUDOUN STREET



PLAT SHOWING  
ACCESS EASEMENT  
ON THE PROPERTY OF  
**THE CITY OF WINCHESTER**  
FOR THE BENEFIT OF TAYLOR PAVILION, LLC  
CITY OF WINCHESTER, VIRGINIA  
DATE: JULY 28, 2014 SCALE: 1"=10'



1109018-TaylorHotel-ESMT

SHEET 1 OF 1



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

S:\Survey\1109018-Taylor Hotel\1109018 TaylorHotel Access Revised Esm Plat 7-25-14.dwg

R-2014-33

**CITY OF WINCHESTER, VIRGINIA**

**PROPOSED CITY COUNCIL AGENDA ITEM**

**CITY COUNCIL/COMMITTEE MEETING OF:** August 19, 2014 **CUT OFF DATE:** \_\_

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

**ITEM TITLE:** Adoption of a Resolution that Authorizes a Series of Amendments to the City of Winchester's Citizen Participation Plan

**STAFF RECOMMENDATION:** Approval

**PUBLIC NOTICE AND HEARING:** Authorize advertisement of amendment to Citizen Participation Plan for the purpose of receiving public comment and hold public hearing September 9th, 2014.

**ADVISORY BOARD RECOMMENDATION:** The Community Development Committee recommends the City's approval of the amendments

**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. City Attorney	<i>Rev</i>	_____	<i>8/4/2014</i>
5. City Manager	<i>[Signature]</i>	_____	<i>11 Aug 2014</i>
6. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: *[Signature]* \_\_\_\_\_ Date: *7/25/14*

Economic Development Coordinator



**APPROVED AS TO FORM:**

*[Signature]* *8/4/2014*  
**CITY ATTORNEY**

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Tyler Schenck, Economic Development Coordinator  
**Date:** 8/19/2014  
**Re:** Adoption of a Resolution that Authorizes a Series of Amendments to the City of Winchester's Citizen Participation Plan

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**THE ISSUE:** The City of Winchester's Citizen Participation Plan has not been updated to accommodate changes to the CDBG Program or changes in staff since 2004. This update will streamline the public input/notification process and retain all HUD required regulations.

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

**BACKGROUND:** The City of Winchester's Citizen Participation Plan dictates the public input/notification requirements for the City's administration of the Community Development Block Grant Program

**BUDGET IMPACT:** N/A

**OPTIONS:** Council may approve or disapprove this Resolution

**RECOMMENDATIONS:** City Staff recommends that the Common Council approve this Resolution.

**A RESOLUTION THAT AUTHORIZES A SERIES OF AMENDMENTS TO THE CITY OF WINCHESTER'S  
CITIZEN PARTICIPATION PLAN**

WHEREAS, the City of Winchester's Citizen Participation Plan dictates the required citizen input and notification requirements for the City's administration of the Community Development Block Grant Program (CDBG); and

WHEREAS, the United States Department of Housing and Urban Development requires all CDBG entitlement communities such as Winchester to maintain and update their Citizen Participation Plan as needed; and

WHEREAS, the City's Citizen Participation Plan has not been reviewed or updated since 2004.

NOW THEREFORE BE IT RESOLVED, that the adoption of this Resolution shall serve as provisional approval of the series of amendments made to the Citizen Participation Plan pending final public comment.

## **Notice of Public Comment on a Series of Proposed Amendments to the City of Winchester's Citizen Participation Plan**

A public comment period will be held August 18, 2014 through September 17, 2014 on the series of proposed amendments to the City of Winchester's Citizen Participation Plan. This Plan provides direction regarding the public notification/input requirements for administration of the Community Development Block Grant (CDBG) Program. Please note that the CDBG funds in Winchester are directed by the Community Development Committee and Winchester City Council. Copies of the Plan are available from the City of Winchester's Department of Economic Redevelopment.

Please take note of the opportunity for public comment, outlined below: Members of the public have an opportunity to comment on the draft Citizen Participation Plan during a 30-day public comment period running from August 18, 2014 through September 17, 2014. Comments regarding the Citizen Participation Plan may be submitted in writing to City of Winchester, Attn: CDBG, 15 N. Cameron Street, Winchester, Virginia 22601. Members of the public may also attend the Winchester City Council regular meeting on Tuesday, September 9 at 7:00 pm (Rouss City Hall, 15 N. Cameron Street) to address the Council regarding the Citizen Participation Plan for the City of Winchester. Draft copies of the Citizen Participation Plan may be requested from the City's Department of Economic Redevelopment.

Citizens may attend and participate in the September 9 meeting or submit written comments regarding the Plan to:

The City of Winchester  
Attn: Department of Economic Redevelopment  
15 North Cameron Street  
Winchester VA 22601.

Interpretation and special needs services are available for public meetings upon request. Individuals that request accommodations for accessibility or language should contact the City of Winchester at least seven (7) days prior to assure requests can be accommodated.

City Staff will review all comments received during the September 9<sup>th</sup> Winchester City Council public hearing.

The City of Winchester ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you have questions or concerns about your civil rights in regards to this program or special assistance for persons with disabilities or limited English proficiency, contact Tyler Schenck, Economic Development Coordinator, at [tyler.schenck@winchesterva.gov](mailto:tyler.schenck@winchesterva.gov).

City of Winchester  
Citizen Participation Plan  
Community Development Block Grant  
Entitlement Program

Approved by City Council  
09/09/14

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## **Introduction**

The Community Development Block Grant Entitlement Program provides annual grants to entitled cities. Entitled cities are central cities of Metropolitan Statistical Areas (MSAs); other metropolitan cities with populations of at least 50,000; and qualified urban counties with populations of at least 200,000 (excluding the population of entitled cities). The City of Winchester and the Counties of Frederick and Hampshire combined make up a Standard MSA, with Winchester designated as its central city.

As an entitled city, Winchester, Virginia began its first program year July 1, 2004. The purpose of the Entitlement Grant is to develop viable urban communities by providing decent housing and a suitable living environment, expanding economic opportunities; it is primarily focused on serving low and moderate-income persons. Grantees are required to develop and carry out a Citizen Participation Plan that affords citizens an active role in the development and implementation of the CDBG Entitlement Program activities.

## **Purpose**

The Citizen Participation Plan for the City of Winchester will serve as a guide for handling public input, suggestions and complaints regarding the Consolidated Plan process including the development of the Consolidated Plan, Annual Action Plan, Analysis of Fair Housing, and Performance Management. The goal of the Citizen Participation Plan is to encourage citizen participation in defining housing, community development and public services needs; services to be provided by community-based organizations; funding priorities and target populations; and in any amendments as may be required by the Department of Housing and Urban Development or otherwise. The Citizen Participation Plan encourages participation from citizens, recognized neighborhood and community-wide citizen organizations, non-profit agencies, and for profit and private entities.

## **Summary of Objectives**

The Citizen Participation Plan includes the following objectives and describes how each will be met to ensure compliance with federal regulations. The objectives of the Citizen Participation Plan are to:

### *Objective 1:*

Encourage citizen participation by providing citizens with information concerning funding, proposed range of activities, targeted populations, program requirements, and approved use of funding.

### *Objective 2:*

Encourage citizen participation by inviting input from all sectors of the community, concentrating on persons included in targeted populations and neighborhoods.

### *Objective 3:*

Encourage citizen participation by preparing a summary of comments or views received from citizens in writing or orally through public hearings, focus groups, community meetings and other methods as well as any suggested amendments.

### *Objective 4:*

Encourage citizen participation by providing criteria for determining what constitutes a substantial change in the planned or actual activities described in an approved plan, which would require an amendment to the Plan.

### *Objective 5:*

Encourage citizen participation by providing technical assistance to groups and interested residents that request such assistance in developing proposals for funding assistance under federal and local funding sources covered by the Consolidated Plan.

## **Plan Adoption**

It is anticipated that following two weeks public notice and a public hearing on September 9, 2014, the Winchester City Council will adopt this Plan, (Attachment 1) as dictated by the Citizen Participation Plan. The provisions concerning the citizen involvement for implementing and assessing the Community Development Block Grant programs apply to all activities that are in progress, as well as to all future activities. This Plan shall remain in effect until all activities assisted under the Community Development Block Grant programs are completed or until it is superseded by a new plan. Upon request by HUD, this plan shall be submitted to HUD to facilitate monitoring and evaluation. The Plan will be reviewed annually and substantial amendments approved by Winchester City Council.

## **Amendments**

Further amendments to this plan shall be approved by City Council when deemed that significant changes are required to the approved document, including amendments required by the Department of Housing and Urban Development. A public notice must be advertised and a public hearing held prior to adoption by City Council per the requirements of the Citizen Participation Plan. Substantial amendments shall include those changes that change the nature of the identified objectives. Amendments calling for action to affirmatively further stated objectives may be approved by the CDBG Advisory Team.

## **Citizen Participation Assurances and Certifications**

To ensure implementation of the Citizen Participation plan with respect to Community Development Planning, the Citizen Participation Plan or other related activities that affect public interest will be reviewed annually and amended as needed. In addition, each course of action that requires a citizen participation process shall include a statement of certification and assurance of compliance to be signed by the City Manager (Attachment 2). This Statement of Certification does not exhaust the requirements of the Citizen Participation Plan, but rather is an indication of compliance.

## **Objectives and Action Detail**

### *Objective 1:*

Encourage citizen participation by providing citizens with information concerning funding, proposed range of activities, targeted populations, and program requirements and approved use of funding.

#### *Actions:*

- Post all proposed and approved documents on the City website
- Publish summaries of all proposed documents in the local newspaper

### *Objective 2:*

Encourage citizen participation by inviting input from all sectors of the community, concentrating on persons included in targeted populations and neighborhoods.

#### *Actions:*

- Attend regular neighborhood association and community meetings
- Network with local human service providers, boards and councils

### *Objective 3:*

Encourage citizen participation by providing appropriate feedback to the community.

#### *Actions:*

- Publish summaries of citizen comments collected during public meetings and otherwise
- Perform necessary follow-up to comments made by citizens in a timely manner
- Provide regular updates through direct communication with individuals and organizations who have expressed interest in the City's Community Development efforts
- Grievances shall be handled according to the City of Winchester's Grievance Procedure (Attachment 5) approved on 10/08/02 by City Council.

*Objective 4:*

Encourage citizen participation by providing criteria for determining what constitutes a substantial change in the planned or actual activities described in an approved plan, which would require an amendment to the Plan.

*Actions:*

- Substantial changes will be proposed and approved by the Winchester City Council in the case of one of the three following scenarios:
  - Changes in allocation priorities or distribution of funds;
  - Addition of an activity or program that was not previously included; or
  - Changes in the purpose, location or beneficiaries of an activity or program.
- Any substantial change or adjustment to a Consolidated Plan project budget will be treated as an amendment subject to public notice, review, and comment through the City's CDBG budget review process.
- Substantive amendments to any portion of the Community Development Process will be publicly advertised at least two weeks prior to consideration of the amendments by the City Council in accordance with the Citizen Participation Plan to allow time for public comment

*Objective 5:*

Encourage citizen participation by providing technical assistance to groups and interested residents that request such assistance.

*Actions:*

- Provide technical assistance to organizations and individuals to develop plans to address community issues described in the Consolidated Plan
- Review all plans required for Certification by the City Manager as a result of the City's participation in the CDBG Entitlement Program
- Facilitate communication and partnership opportunities between local human service organizations

**Statement of Jurisdiction Responsibility**

The requirements for Citizen Participation do not restrict the responsibility or authority of the jurisdiction for the development and execution of its consolidated plan.

**Attachment 1**

**A RESOLUTION THAT AUTHORIZES A SERIES OF AMENDMENTS TO THE CITY OF WINCHESTER'S  
CITIZEN PARTICIPATION PLAN**

WHEREAS, the City of Winchester's Citizen Participation Plan dictates the required citizen input and notification requirements for the City's administration of the Community Development Block Grant Program (CDBG); and

WHEREAS, the United States Department of Housing and Urban Development requires all CDBG entitlement communities such as Winchester to maintain and update their Citizen Participation Plan as needed; and

WHEREAS, the City's Citizen Participation Plan has not been reviewed or updated since 2004

NOW THEREFORE BE IT RESOLVED, that the adoption of this Resolution shall serve as provisional approval of the series of amendments made to the Citizen Participation Plan pending final public comment.

DRAFT

**Attachment 2**

**Citizen Participation Assurances and Certification**

The applicant assures and certifies that it has provided its citizens adequate opportunities to participate in the development of this proposal by:

- Holding at least two public hearings, one of which a public hearing in the locality prior to the submission of the proposal; and the second held at least seven days after the first. Participation by low-and moderate-income residents and stakeholders in the project or service area and the community at large were encouraged to attend. The hearings were held at times and locations convenient to potential beneficiaries and with accommodation for the disabled.

Date of public input meetings: \_\_\_\_\_ AND \_\_\_\_\_

- Publishing a notice to advertise the public input meetings and availability of proposal information at least seven days prior to the dates of the hearings in the non-legal section of a NEWSPAPER of local general circulation and AT LEAST ONE OTHER TYPE OF ANNOUNCEMENT.

The advertisement ran on: \_\_\_\_\_ AND \_\_\_\_\_

in: \_\_\_\_\_ AND \_\_\_\_\_

- Maintaining files that contain documentary evidence that the hearings were held. These files must contain proof of publication of the hearing notices, written and/or recorded minutes of the input meetings, and lists of citizens attending the hearings.
- Making program and proposal documentation available to the public for comment during regular office hours. This documentation should include the range of proposed activities, the estimated amounts of funding which will benefit low- and moderate-income persons, the plans to minimize displacement and provide displacement assistance where applicable, and a summary of the proposed application.
- Providing technical assistance to groups representative of persons of low- and moderate- income that requests such assistance in developing proposals for the use of funds, with the level and type of assistance determined by the locality.
- Adherence to the City's adopted Grievance Procedure.
- Accommodating the needs of non-English speaking residents at public hearings where more than 5% of the attendees can be reasonably expected not to speak English.

\_\_\_\_\_  
Name Title

\_\_\_\_\_  
Signature Date

NOTE: This Statement of Certification does not exhaust the requirements described in the Citizen Participation Plan, but is an indication of compliance.

### Attachment 3

#### Residential Anti-Displacement and Relocation Assistance Plan

*Adopted by City Council, 09-09-14*

The City of Winchester will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate income dwelling unit as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, the City will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

- (1) A description of the proposed assisted activity;
- (2) The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
- (3) A time schedule for the commencement and completion of the demolition or conversion;
- (4) The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
- (5) The source of funding and a time schedule for the provision of replacement dwelling units;
- (6) The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and
- (7) Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate-income households in the jurisdiction.

The *Grantee* will provide relocation assistance to each low/moderate-income household displaced by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the Housing and Community Development Act of 1974, as amended, or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less.

## Attachment 4

### Community Development Committee

The City of Winchester hereby adopts the following structure for the official community development citizen advisory body. The name of the citizen advisory body shall be the Community Development Committee.

**Members:** the Community Development Committee shall consist of seven members. The representation of the committee shall be as follows:

- (1) No member of the Advisory Committee may vote on a proposal initiated by a neighborhood organization of which he or she is a member.
- (2) Terms: All members will be appointed annually by City Council for a period of four years. No person may serve for more than two consecutive terms.
- (3) Recruitment: The Department will initiate a citywide citizen participation program, designed to encourage greater citizen participation in all relative aspects of local government. A part of this process will involve soliciting nominations for participation on the Community Development Committee.

**Objectives:** The Community Development Committee shall make recommendations to the City regarding projects and plans for the Community Development Block Grant programs, and generally to act in an advisory capacity to the City with reference to the programs and related project activities.

**Officers:** the officers of the committee shall be a chairman and vice- chairman.

- Chairman: the Chairman shall preside at all meetings of the Team. Except as otherwise authorized by resolution of the Team, the Chairman shall sign all official documents and other instruments to be executed by the committee.
- Vice-Chairman: In the absence or incapacity of the Chairman, the Vice- Chairman shall preside at all meetings of the committee, and may perform such other duties as may be required by the Chairman.
- Recording Secretary: The Recording Secretary shall keep the records of the Committee, act as secretary to all meetings of the Committee, record all votes and shall keep a record of the proceedings of the Committee. The Economic Development Coordinator or his designee shall act as recording secretary. The recording secretary shall not be a member, and will have no voting power; however, he or she may participate in discussions, and provide such information as requested by the committee.

**Regular Meetings:** The purpose of the regular meetings of the committee is to review the progress and/or general or related business regarding the CDBG programs, and to review funding requests. These meetings shall be open to the public. The agenda for any regular or other public advisory team meeting will be provided to all Team members in writing four days before the meetings. Meeting dates and times shall be determined by consent of committee members.

**Special Meetings:** The Chairman or Economic Development Coordinator may, when it is deemed necessary and expedient call a special meeting of the Committee for the purpose of transacting any business designated in the call. No business shall be considered other than as designated in the call.

**Quorum:** At all meetings of the Committee, a majority of the total membership shall constitute a quorum for the purpose of transacting business.

## Attachment 5

### Grievance Procedure

*Amended by City Council, 09-09-14*

The City of Winchester has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794). Section 504 states, in part, that "no otherwise qualified handicapped individual...shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financing assistance..."

Complaints should be addressed to: Tyler Schenck, Economic Development Coordinator,  
City of Winchester, Rouss City Hall, 15 North Cameron Street, Winchester, VA 22601,  
(540) 667-1815, who has been designated to coordinate Section 504 compliance efforts.

1. A complaint should be filed in writing or verbally contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within five days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by Tyler Schenck. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53(b), the City of Winchester need not process complaints from applicants for employment or from applicants for admission to housing.
4. A written determination as to the validity of the complaint and description of resolution if any shall be issued by Tyler Schenck and a copy forwarded to the complainant no later than seven days after its filing.
5. The Section 504 coordinator shall maintain the files and records of the City of Winchester relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within seven days to Eden Freeman, City Manager, 15 North Cameron Street, Winchester, Virginia 22601.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the City of Winchester complies with Section 504 and the HUD regulations.

Grievances relating to fair housing should be reported directly to the Federal Fair Housing Office by sending a letter to the nearest fair housing office:

1250 Maryland Avenue, SW  
Portals Bldg., Suite 200  
Washington, DC 20024

Phone: (202) 708-3354  
Website: [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing)

## Appendix A

### **Model Schedule for Citizen Participation Activities**

*(\*) denotes required activities*

\* Notice of Informal Citizen Participation Meetings

*Advertisement placed two weeks prior to First Meeting*

\* Informal Citizen Participation Meetings

*Held at least two weeks before "due date" for Consolidated or Action Plan*

\* "Due Date" for Consolidated or Action Plan/ Review

*One week before ad/ summary scheduled to run*

\* Advertisement, with Summary of Consolidated or Action Plan in Newspaper/ Public Comment Period/ Final informal citizen participation period, to be opened by a City Council Public Hearing

*Ad placed 30 days before close of Citizen Participation Period*

*Ad placed two weeks before final informal citizen participation meeting*

\* Notice of Public Hearing regarding Consolidated/ Action Plan

*(Final day of Citizen Participation Period)*

*Ad placed two weeks prior to Public Hearing*

\* Memo to Council/ Packet

*Packet sent one week prior to Council Meeting*

*Packet mailed three days prior*

\* City Council Meeting/ Public Hearing

## **Notice of Amendment Citizen Participation Plan**

The purpose of the Citizen Participation Plan is to provide a documentable and meaningful process that ensures opportunities for the public to be involved in all phases of the housing and community development planning processes.

Public participation means participation in planning by people outside the staff, committees, and board members; by citizens of the service area including low income and minority populations. It is a process of taking part in the housing and community development planning and decision making that affects the community.

In 2004, the City of Winchester adopted a Citizen Participation Plan in order to comply with federal regulations regarding receipt of federal funds, namely the Community Development Block Grant Funds. The proposed amendments to the plan are in part an effort to simplify the plan and provide a more user-friendly document for public access.

The Proposed Plan articulates efforts to secure participation that will be targeted to citizens, stakeholders and other interested parties that could be significantly affected by the housing and community development planning recommendations or could significantly influence implementation. Stakeholders and interested parties include, but are not limited to citizens, affected public agencies, service providers, service consumers and community residents.

The Proposed Citizen Participation Plan contains the following elements:

- Involvement Opportunities: provide the public to be involved in all parts of the planning process
- Communication: establish mechanisms for maintaining communications between the public and local officials such as processes like mailings, legal ads, and displays.
- Information: ensure that technical information is available and in simplified, understandable form.
- Response to Public Input: a description of the methods used to respond to comments from the public.

This document establishes the basic techniques for disseminating the information to the public and engaging citizens in interactive discussions about the housing and community development planning process. Staff will continue to develop performance measures in order to quantify the results of the public participation efforts and generate a report annually as part of the Consolidated Planning Process. Staff will begin with the following measures:

- attendance and input at public information meetings and public hearings
- number of organizations and groups to which mailings were sent
- number of members on the email listing
- communications received from public whether they use mail, email and comment at public information meetings or public hearings
- tracking of presentations given to public groups

Copies of the proposed Citizen Participation Plan are available for review and public comment at the following locations:

- Office of Economic Redevelopment
- Handley Regional Library
- Rouss City Hall
- [www.winchesterva.gov/ohnd](http://www.winchesterva.gov/ohnd)

Please contact the Office of Economic Redevelopment, located at 15 N. Cameron Street in Winchester at [tyler.schenck@winchesterva.gov](mailto:tyler.schenck@winchesterva.gov) or 540-667-1815 with any comments on the proposed Citizen Participation Plan.

R-2014-40

**CITY OF WINCHESTER, VIRGINIA**

**PROPOSED CITY COUNCIL AGENDA ITEM**

**CITY COUNCIL/COMMITTEE MEETING OF:** October 7, 2014 **CUT OFF DATE:** \_\_

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

**ITEM TITLE:** Approval of Amendment to the 2013-2017 Consolidated Plan

**STAFF RECOMMENDATION:** Provisional Approval Pending Future Public Comment

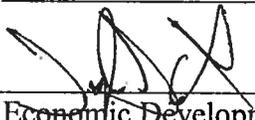
**PUBLIC NOTICE AND HEARING:** Authorize advertisement of proposed amendment to adjust CDBG goal outcome indicators for the duration of the plan

**ADVISORY BOARD RECOMMENDATION:** The City's Community Development Committee has discussed and recommends the attached amendment

**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. Finance	B		9/15/14
2. _____			
3. _____			
4. _____			
5. City Attorney	R		9/16/2014
6. City Manager	MS		18 Sept 14
7. Clerk of Council			
Initiating Department Director's Signature: _____			9/15/14
	Economic Development Coordinator		Date



**APPROVED AS TO FORM:**

 9/16/2014  
**CITY ATTORNEY**

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Tyler Schenck, Economic Development Coordinator  
**Date:** October 7, 2014  
**Re:** Approval of Amendment to the 2013-2017 Consolidated Plan

**THE ISSUE:** Recipient jurisdictions of Community Development Block Grant, HOME Investment Partnership, Emergency Shelter or Housing for Persons with AIDS/HIV program funding must submit to the US Department of Housing and Urban Development (HUD) a Consolidated Plan for use of federal funds on a 3, 4, or 5-year frequency for use of specific allocations in a given fiscal year. All substantial changes or amendments to the Consolidated Plan must be approved by City Council before being submitted to HUD

**RELATIONSHIP TO STRATEGIC PLAN:** The proposed amendment will adjust CDBG goal outcome indicators for the duration of the Consolidated Plan

**BACKGROUND:** The amendment to the Consolidated Plan is awaiting provisional Council approval and will be final upon the conclusion of the public comment period. The amendment is subject to final revisions by staff and public comment after Council approval until the conclusion of the public comment period at 11:59PM on October 14<sup>th</sup>, 2014. The proposed amendment regarding the Consolidated Plan is listed below:

- Public Facility or Infrastructure Activities other than Low/Moderate Income Housing  
Benefit: 500 People Assisted

Approval of the amendment will have no impact on current CDBG City activities. To date, the City has repaid \$403,213.07 of the \$1,000,000 loan. At current/expected CDBG allocation rates, the City will be able to repay the remaining balance in 2-3 years.

**BUDGET IMPACT:** N/A

**OPTIONS:** Council may approve or disapprove the proposed amendment

**RESOLUTION THAT AUTHORIZES THE CITY MANAGER TO SUBMIT AN AMENDMENT TO THE CONSOLIDATED PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**WHEREAS**, agencies that receive U.S. Department of Housing and Urban Development (HUD) funds must prepare and submit a Consolidated Plan every five years; and

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

**WHEREAS**, the City of Winchester has developed a Consolidated Plan and has satisfactorily followed HUD requirements for the creation of each; and

**WHEREAS**, amendments to the 2013-2017 Consolidated Plan require public comment and Common Council approval; and

**WHEREAS**, the City of Winchester Community Development Committee and Winchester Common Council desire to adjust CDBG goal outcome indicators over the life of Consolidated Plan (five years).

**NOW THEREFORE BE IT RESOLVED**, that the adoption of this Resolution shall serve as provisional approval of the amendment to the Consolidated Plan pending final public comment; and

**BE IT FURTHER RESOLVED**, that the Mayor, or presiding officer, is hereby authorized to affix their signature to this Resolution signifying its adoption by the City Council of the City of Winchester, and the City Clerk, or their appointed deputy, is directed to attest thereto; and

**BE IT FURTHER RESOLVED**, that the City Manager, or their designee, is directed to submit the amendment to the Consolidated Plan to the U.S. Department of Housing and Urban Development.

Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601

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

**TO: COMMON COUNCIL OF THE CITY OF WINCHESTER**  
**FROM: TYLER SCHENCK, ECONOMIC DEVELOPMENT COORDINATOR**  
**DATE: OCTOBER 7, 2014**  
**RE: COMMENTS ON AMENDMENT TO THE CONSOLIDATED PLAN**

**SUBJECT**

To accommodate for reporting errors encountered in the U.S. Department of Housing and Urban Development's (HUD) Integrated Disbursement & Information System (IDIS), the City of Winchester is submitting an additional amendment to the 2013-2017 Consolidated Plan. All incorrect performance measures within the current Plan will be adjusted due to the City's commitment to repaying its outstanding Section 108 Loan. The only remaining performance measure is listed below:

**Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit – 500 Persons Assisted**

Completion of this amendment will allow the City to submit an accurate Consolidated Annual Performance Evaluation Report (CAPER) that will correctly reflect our progress and ability to reach our Community Development Block Grant (CDBG) goals. Through coordination with HUD, the City has received a 30-day deadline extension of the CAPER that will allow the City to complete the necessary changes to the Consolidated Plan.

**FINANCIAL IMPACT & SUMMARY**

This Consolidated Plan amendment will have no impact on our CDBG funding or any related activities.

**RECOMMENDATION**

It is the recommendation of City Staff that the Common Council proceed with resolution approval. We have set a public comment period for September 15-October 14, during which time members of the community may review the amended Consolidated Plan. Members of the public may also attend the Winchester Common Council regular meeting on Tuesday, October 14, 2014 at 7:00 PM to give verbal comments to the City Council.

**Notice of Public Comment regarding Housing and Community Development activities in the Northern Shenandoah Valley Region:  
HOME and CDBG Programs**

Concurrent public comment periods will be held to solicit public comment on the draft 2013 Consolidated Annual Performance Evaluation Report (CAPER) and amendments to the 2013-2017 Consolidated Plan for use of federal funding to meet housing and community development priorities for the Northern Shenandoah Valley Region. The Draft CAPER summarizes use of federal housing and community development funds during Fiscal Year 2014(ending June 30, 2014) and progress in meeting goals identified in the 2013-2017 Consolidated Plan. Proposed amendments are summarized below. Please note that the CDBG funds in Winchester are directed by the Community Development Committee and Winchester City Council, while the regional HOME funds are directed by the Housing and Community Services Policy Board and the Northern Shenandoah Valley Regional Commission (NSVRC).

Copies of the draft 2013 CAPER are available from the respective office(s) as follows and can be downloaded from [www.NSVregion.org](http://www.NSVregion.org).

- Winchester City Attn: Department of Economic Redevelopment, 15 North Cameron Street Winchester VA 22601
- NSVRC, Attn: Community Development Program, 400E Kendrick Lane Front Royal Virginia 22630.

The following is a summary of the proposed amendments to the 2013 Consolidated Plan and 2011, 2012 and 2013 Annual Action Plans:

1. Reduce the proposed CDBG program benefits to 500 persons assisted through public facility or infrastructure activities other than Low/Moderate Income Housing Benefit.
2. Reallocation of \$263,422.42 of HOME funding available from 2011, 2012 and 2013 program years to the activities listed below. Funds were originally proposed in the respective Action Plans for homeownership development in the Town of Shenandoah, Winchester City and Frederick County (81%) and rental housing development (19%) in Woodstock :
  - \$15,000 for a Pre-Development Loan to evaluate site feasibility for development of affordable rental housing in Front Royal; and
  - \$248,422.42 for a rental housing development project known as Luray Meadows in Luray. The project was included in the 2013Annual Action Plan for funding; the total funding proposed to be available for the project if the current proposed Action Plan amendment is approved will be \$583,254.42.

Please take note of the opportunity for public comment, outlined as follows:

The City of Winchester staff will receive public comment on the CDBG portions of the CAPER and proposed Consolidated Plan amendment identified in item one above. NSVRC staff will receive public comment on the HOME portions of the CAPER and proposed reallocation of HOME funding identified in item two above.

Comments regarding the CAPER may be submitted to the appropriate contact during a 15- day public comment period beginning September 30, 2014 and ending October 14, 2014.

Comments regarding the proposed amendments to the 2013-2017 Consolidated Plan and 2011, 2012 and 2013 Action Plans may be submitted to the appropriate contact during a 30-day public comment period beginning on September 15, 2014 and ending on October 14, 2014.

Written comment regarding CDBG matters may be mailed to: City of Winchester, Attn: Economic Redevelopment, 15 N. Cameron Street, Winchester, Virginia 22601 or emailed to [tyler.schenck@winchesterva.gov](mailto:tyler.schenck@winchesterva.gov). Written comment regarding HOME matters may be mailed to: NSVRC, Attn: Community Development Program, 400E Kendrick Lane, Front Royal, Virginia 22630 or emailed to [aschweiger@NSVregion.org](mailto:aschweiger@NSVregion.org).

A total of three input sessions will be held during the comment periods. All scheduled input sessions fall within the comment periods. Those wishing to submit comment in person regarding the proposed CAPER and CDBG Program Amendments may do so during a public hearing scheduled in conjunction with the Winchester Community Development Committee Meeting scheduled for September 16, 2014 at 9 am. The meeting location is Winchester City Hall, 15 North Cameron Street in Winchester, Virginia. Those persons wishing to submit comment in person regarding the CAPER and HOME Program Amendments may do so during a public hearing scheduled in conjunction with the NSVRC's Housing and Community Services Policy Board meeting scheduled for October 2, 2014 at 9:30 am at the NSVRC Office located at 400 Kendrick Lane, Suite E in Front Royal, Virginia.

A final Public Hearing for all matters described in this notice will be held on October 14, 2014 at 7 pm in conjunction with the Winchester City Council's regular meeting in the City Council Chambers at Winchester City Hall, 15 North Cameron Street in Winchester, Virginia. Attendees may be required to sign in to speak regarding this matter. The City of Winchester will take action regarding the 2013 CAPER and proposed amendments to the 2013-2017 Consolidated Plan and 2011, 2012, 2013 Action Plans following the close of the Public Comment Period and Public Hearing.

Interpretation and special needs services are available for all three public meetings upon request. Individuals that request accommodations for accessibility or language assistance should contact the City of Winchester or NSVRC at least 7 days prior to the respective scheduled meetings to assure requests can be accommodated.

The City of Winchester and NSVRC ensure nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you have questions or concerns about civil rights compliance with this program or require special assistance for persons with disabilities or limited English proficiency, contact the office(s) listed above.

R-2014-41

**CITY OF WINCHESTER, VIRGINIA**

**PROPOSED CITY COUNCIL AGENDA ITEM**

**CITY COUNCIL/COMMITTEE MEETING OF:** October 7, 2014 **CUT OFF DATE:** \_\_

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

**ITEM TITLE:** Resolution authorizing the Local Zone Administrator to submit an amendment application to the Virginia Department of Housing and Community Development regarding the City of Winchester's Enterprise Zone Program

**STAFF RECOMMENDATION:** Approval

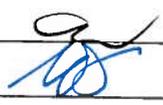
**PUBLIC NOTICE AND HEARING:** Authorize advertisement of amendment application of the City's enterprise zone program for purposes of receiving public comment and hold public hearing October 14th, 2014.

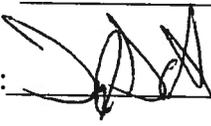
**ADVISORY BOARD RECOMMENDATION:** The Economic Development Authority recommends the City's submission of this application

**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. City Attorney		_____	9/22/2014
5. City Manager		_____	23 Sept 14
6. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature:  Date: 9/22/14

Economic Development Coordinator



APPROVED AS TO FORM:

 9/22/2014  
CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Tyler Schenck, Economic Redevelopment Coordinator  
**Date:** 10/7/2014  
**Re:** Submission of Virginia Enterprise Zone Amendment Application

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**THE ISSUE:** City Staff has a strong desire to submit an amendment application to the Virginia Department of Housing and Community Development for our enterprise zone program.

**RELATIONSHIP TO STRATEGIC PLAN:** Will assist in the City's desire to grow the economy

**BACKGROUND:** This application is being submitted to accommodate recent economic development trends and needs in the City of Winchester. Specifically, this application will include a boundary amendment that will incorporate more land in the City into the enterprise zone and an incentive amendment that will add an additional local incentive and modify an existing incentive.

**BUDGET IMPACT:** N/A

**OPTIONS:** Council may approve or disapprove the City's submission of this application

**RECOMMENDATIONS:** City Staff recommends that we submit this application

**A RESOLUTION THAT AUTHORIZES THE CITY OF WINCHESTER TO SUBMIT AN AMENDMENT OF  
THE CITY OF WINCHESTER'S VIRGINIA ENTERPRISE ZONE PROGRAM TO THE VIRGINIA  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

WHEREAS, the City of Winchester has a desire to improve the capability of its enterprise zone boundaries and incentives; and

WHEREAS, the Virginia Department of Housing and Community Development requires all Virginia Enterprise Zone localities to submit a resolution from the locality's common council supporting the amendment.

NOW THEREFORE BE IT RESOLVED, that the adoption of this Resolution shall serve as approval of the City of Winchester's submission of an enterprise zone amendment application to the Virginia Department of Housing and Community Development; and

BE IT FURTHER RESOLVED, that the city manager or her designee is authorized to submit all information needed to apply for an enterprise zone amendment; and

BE IT FURTHER RESOLVED, that all pending City of Winchester enterprise zone incentive applications will be retroactively awarded the full value of all proposed VEZ incentive changes; and

BE IT FURTHER RESOLVED, that the city manager or her designee is authorized to meet other program administrative and reporting requirements, as defined by the enterprise zone regulations, throughout the life of the zone.

**TO THE CITIZENS OF WINCHESTER:**

**Virginia Enterprise Zone Amendment Application Public Hearing Notice**

The City of Winchester, Virginia will hold a public hearing on October 14 at 7:00 P.M. at Rouss City Hall, 15 N. Cameron Street, Winchester, Virginia 22601 to solicit input on the proposed Virginia Enterprise Zone Amendment Application to the Virginia Department of Housing and Community Development. The proposed amendments will be available for discussion. All interested citizens are urged to attend. Further information may be obtained from the Economic Development Coordinator, Tyler Schenck by calling 540-667-1815 or through email at [tyler.schenck@winchesterva.gov](mailto:tyler.schenck@winchesterva.gov).

## **Enterprise Zone Amendment Application**

Applicant Locality(ies): City of Winchester  
Name of Zone: Winchester Enterprise Zone  
Zone Number:

Virginia Department of Housing and Community  
Development  
600 East Main St, Suite 300  
Richmond, Virginia 23219  
(804) 371-7030  
[EZONE@dhcd.virginia.gov](mailto:EZONE@dhcd.virginia.gov)  
[www.dhcd.virginia.gov](http://www.dhcd.virginia.gov)



**VIRGINIA DEPARTMENT OF HOUSING  
AND COMMUNITY DEVELOPMENT**  
*Partners for Better Communities*

## Overview of Amendment Application

Instructions for completing the coversheet and application can be found in the appendices beginning on page 12 of this document. Please read all of the appendices carefully before completing this application. The new enterprise zone statute establishes new zone amendment guidelines which are summarized below and outlined in detail in the appendices.

Each enterprise zone can consist of up to three non-contiguous zone areas. In cases where a locality has multiple zone designations, each of those zones can consist of up to three non-contiguous geographic areas. In the case of joint zones, each locality's portion of the joint zone can consist of up to three non-contiguous geographic areas, but one of those three non-contiguous areas must be contiguous to at least one other participant's zone area. For more details, refer to page 15 in the appendix. There are no longer zone-specific distress criteria requirements in the amendment application; the zone-specific distress criteria have been removed from the amendment application process.

**An enterprise zone boundary amendment cannot consist of a site for a single business firm and cannot be less than 10 acres.**

Enterprise zone amendment applications can be submitted once every twelve months from the date of the locality's last zone amendment. Joint zones may amend their zones in one application or independently so long as each locality amends their portion of the zone only once every twelve months from the date of that locality's last amendment. The locality submitting the amendment application must be up to date in its annual reporting requirements. **Once DHCD approves an enterprise zone amendment, the modifications to the zone are retroactive back to January 1<sup>st</sup> of the calendar year in which the amendment was approved. This means that businesses added via a boundary amendment approved in 2013 could submit grant applications for the 2013 grant year.**

## Checklist of Required Attachments

Place the required attachments at the end of the amendment application. Unless otherwise specified, the attachment is required for all types of application amendments.

- Public Hearing Advertisements (2)**  
*Published once a week for two successive weeks in a newspaper of general circulation; final advertisement cannot be published < 5 days or > 21 days prior to the hearing*
- Official Public Hearing Minutes**
- Local Assurances**
- Resolution**  
*In the case of a joint zone all participating localities must submit approval resolutions, even if they are not amending their portion of the zone*
- Joint Application Agreement (Joint zones only)**
- Maps (Boundary amendments only)**
- Incentive charts (Incentive amendments only)**

# Coversheet

(For joint zone amendments, each locality must complete a separate coversheet)

<p>Locality:</p> <p>City of Winchester</p> <p>Government Address: 15 N. Cameron Street Winchester, Virginia 22601</p> <p>Chief Elected Official (Name and Title): Elizabeth Minor, Mayor</p> <p>Local Zone Administrator: Name: Tyler Schenck Title: Economic Development Coordinator Phone: 540-667-1815 E-mail: tyler.schenck@winchesterva.gov</p> <p>Application Type: <input checked="" type="checkbox"/> Single (one locality) Enterprise Zone <input type="checkbox"/> Joint (more than one locality) Enterprise Zone</p> <p>If Joint application, list all participating localities:</p> <p>Certification of Chief Administrative Officer: <i>To the best of my knowledge and belief, data in this proposal is true and correct and the governing body of the participant has duly authorized the proposal through resolution. The resolution is attached.</i></p> <p>Signature:  Date: _____</p> <p>Name: Eden Freeman Title: City Manager</p>	<p>Type of Amendment (check all applicable boxes):</p> <p><input type="checkbox"/> Boundary deletion <input checked="" type="checkbox"/> Boundary amendment <input checked="" type="checkbox"/> Incentive amendment</p> <p>Number of existing non-contiguous areas present in locality's zone: <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3</p> <p>Non-contiguous areas added or deleted as part of amendment application: <input checked="" type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2</p> <p>Total non-contiguous zone areas after amendment: <u>2</u></p> <p>Enterprise Zone Public Hearings:</p> <p><input checked="" type="checkbox"/> Single Application (one hearing) <input type="checkbox"/> Joint Application (one hearing in each locality) <input type="checkbox"/> Joint Application (joint hearing)</p> <p>Attachments:</p> <p><input checked="" type="checkbox"/> Advertisements <input checked="" type="checkbox"/> Minutes <input checked="" type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Local assurances <input type="checkbox"/> Joint application agreement (joint zones only)</p> <p>Locality has submitted all annual reports required to date: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Amendment requests will not be processed until locality's annual reporting requirements are fulfilled.</b></p>
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## I. Zone Size

Complete this section only if this amendment modifies the zone boundaries. Delete this section if your amendment is for incentive modification only.

A. Basic size limits are determined by the type of locality. Each locality in a joint zone may have the maximum zone acreage for that type of locality. If this is a joint amendment application, Question A must be completed for each locality. For joint applications, duplicate the check boxes for as many localities participating in the zone. List the locality's name next to each duplicated box. Refer to Appendix II on page 15 for zone size limits and boundary modification requirements.

Type of locality:

- County: \_\_\_\_\_  
 Consolidated City: Winchester  
 Town (existing town zones only)/City: \_\_\_\_\_

Size guideline option used:

- Basic land size minimum and maximum  
 7 percent of land area (Cities and Towns only)  
 7 percent of population (Cities and Towns only)

B. Complete the chart below showing the size of the zone after the proposed modifications. For joint zones, please list each locality's zone size adjustments on a separate line. Additional rows may be added to the table as needed. Zone size guidelines can be found in Appendix II on page 15.

Locality	Current zone size in acreage	Proposed deletion size in acreage	Proposed addition size in acreage	Amended zone size in acreage (total acreage)
Winchester	440.47		159.23	599.70

## Map Requirements – Required only for boundary amendments.

For each of the required maps, joint applications must also submit one map showing the entire zone area. The required maps must be able to fit inside a legal size mailing envelope. Each of the required maps must be produced at the same scale. GIS generated maps are preferred. Topographic maps are highly discouraged. **Zone administrators MUST submit a draft boundary amendment map to DHCD prior to holding the public hearing for review.**

**Map 1** – Map of the locality indicating the current and amended boundaries of the enterprise zone area. Please indicate the amended zone boundaries using the following key:

-  Proposed Additions – Red fill with bold red dashed border
-  Proposed Deletions – Blue fill with bold blue dashed border
-  Existing Zone Boundaries – Green fill

All required features listed in the charts must be included on each map and clearly visible.

### Required Features Included on Map (where present in zone):

- Major Streets/Roads/Highways Labeled (dark gray lines)
- City/County/Town limit lines identified by bold blue line
- Key Businesses/Employers
- Key Properties/Revitalization Project Areas/ Developable Land
- Airports/ Ports of Entry
- Major Railways
- Office or Industrial Parks
- Special Districts

**Map 2** - Map of the modified enterprise zone boundary indicating the existing land use characteristics according to the following classifications:

#### Privately Held Land

Business/Commercial  
Industrial  
Institutional  
Single-family residential  
Multi-family  
Agriculture  
Parking  
Mixed-use (or "Other")

#### Publicly Held Land

State/Federal Land  
Local publicly owned land in use  
Unused local public land  
Parks & Recreational Areas  
Parking

Indicate on this map the total zone acreage and the approximate number of acres devoted to each type of use.

**Map 3** – Map of the modified enterprise zone showing the boundaries of existing zoning districts. (If the area is not zoned, this map is not required.)

**Place required maps at the end of the application.**

## II. Boundary Addition

**Complete this section only if this amendment adds acreage to the zone. Delete this section if your amendment is for a boundary deletion or incentive modification only. Boundary additions cannot consist of a site for a single business and cannot be less than 10 acres in size. Counties with enterprise zones can include acreage within corporate town limits, provided the acreage addition falls within the total zone size requirements for the locality. Towns with enterprise zones CANNOT add portions of the unincorporated areas into the zone through the amendment process.**

Describe the areas proposed for inclusion into the zone boundaries. Indicate if the added areas are contiguous to existing zone boundaries or will count as one of the three total non-contiguous zone areas per locality. Explain the strategic importance of adding the area(s) to the zone. Discuss relevant economic conditions, economic development/revitalization efforts occurring within the proposed addition. Quantify this information where possible.

*(Limit response to space provided.)*

The acreage added contiguous to the existing Winchester Enterprise Zones will accommodate for recent economic development activity and existing blighted or underutilized areas within the community.

When the City of Winchester applied for VEZ designation, we intentionally omitted a large amount of available acreage in case a large employer or site became vacant or dilapidated. This boundary amendment includes the recently closed Federal Mogul property which consists of a sizable tract of land in the middle of Winchester. The site yields several environmental concerns and will likely need several financial incentives to entice redevelopment of the property. In addition, the amended VEZ boundaries incorporate the underutilized Ward Plaza property. This strip mall remains primarily vacant and is adjacent to arguably the highest traversed avenue in Winchester. Also, the new VEZ boundary in the southern noncontiguous zone follows Valley Avenue up to the O'Sullivan Films manufacturing site. Although this company is a large employer and a coveted business in Winchester, they have yet to reach their full capacity and require financial incentives to conduct their next employment growth and capital investment.

Lastly, the boundaries in the northern noncontiguous zone are minutely adjusted to incentivize the redevelopment of blighted or underutilized properties that were omitted from our initial northern enterprise zone.

### III. Incentive Amendment

Complete this section only if this amendment modifies incentives. Delete this section if your amendment is for boundary modification only. All zones are required by statute to offer local enterprise zone incentives. Localities should regularly review their incentive package to ensure utilization by businesses and effectiveness in attracting/expanding targeted business sectors within the zone. In the case of boundary amendments to include corporate town limits, the town functions as part of the county's zone boundaries and is not required to offer local incentives but may do so. Refer to Appendix III on page 17 for more information about local incentives.

- A. Why are the local incentives being modified? Discuss utilization, any changing trends or special circumstances affecting the decision to modify.

The City is proposing the addition of an incentive that provides a grant to commercial property redevelopers seeking to forgo tax abatement and pursue a cash grant. Developers often approach City representatives and voice their displeasure with the inability to receive local incentives after flipping a commercial property, and this proposed incentive should alleviate this issue.

Lastly, two existing incentives are being modified due to interactions and feedback with real estate investors and developers. The two substantially rehabilitated incentives will have their maximum square footage thresholds raised from 15% to 50%. This will provide property investors with additional incentive value should a property undergo a moderate expansion in square footage.

- B. What aspects of the incentives are being modified and why? Explain the research that the modification is based on (i.e. survey of zone businesses).

Two existing incentives are being amended and one new incentive is being proposed after extensive conversation with local developers and property investors. After numerous interactions with development community and hosting a VEZ Q&A seminar, we feel that our proposed incentive amendments will rectify current lapses in our EZ program and provide a more robust incentive package.

- C. Has the modified incentive package or new incentive(s) been reviewed by the local governing body's attorney and determined to be legal?  Yes  No

- D. Are incentives deleted as part of the amendment proposal?  Yes  No

If yes, complete the following chart concerning the required replacement incentive and explain (below the chart) why the incentive is being deleted. For example, the creation of a regional water/waste water facility may necessitate amending the city's existing water and sewer hookup fee incentive because the city no longer collects these fees and therefore cannot rebate them.

Additional rows may be added to the chart as needed. Local incentives can be deleted if replaced by incentives that are equal or superior to those in the application or most recent amendment. **Contact DHCD staff to discuss your plans to modify incentives prior to holding the public hearing.**

Existing Incentive (by locality)	Replacement Incentive (by locality)	Justification for replacement

*(Limit section IV responses aside from the above chart to the space provided plus one additional page.)*

Incentive Package. Complete this section only if this amendment modifies incentives. Delete this section if your amendment is for boundary modification only. Provide information for **new and existing** incentives. This chart may be reproduced to accommodate all incentives. Identify new or revised incentives with an asterisk. **This chart will replace the current chart in your Enterprise Zone designation application. Complete the incentive chart to include all incentives to be offered upon approval of the incentive amendment.**

<b>Locality Offering the Incentive: City of Winchester</b>	
<b>Incentive #: 13</b> <b>Name:</b> Substantially Rehabilitated Commercial/Industrial Property Real Estate Tax Exemption <b>Description:</b> Provides tax exemption for a period of 10 years for substantially rehabilitated real estate within the Enterprise Zone for that portion of the real estate assessment which is a net increase above the real estate assessment on improvements prior to the occurrence of substantial rehabilitation	<b>Locality/Provider:</b> City of Winchester
	<b>Qualification Requirements:</b> Assessed value of commercial or industrial structures must be increased by at least 60. Qualifying square footage includes original structure and up to 150% of original square footage.
	<b>Exclusive to Zone:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> <b>No, if no please explain how incentives will be tailored to zone</b> The City extended the existing Substantially Rehabilitated Property Real Estate Tax Exemption for commercial and industrial structures from the Winchester Historical District to the entire Enterprise Zone.
	<b>Period of Availability:</b> Available for the entire existence of the VEZ
<b>Financial Value of Incentive:</b> An assessed \$1,000,000 commercial or industrial property that has improved its value to an assessed \$1,600,000 is exempt from paying \$5,700 per year for 10 years for a total value of \$57,000	<b>Effective date:</b> Effective upon approval by DHCD
<b>Action to Implement:</b> <input checked="" type="checkbox"/> <b>Local Ordinance</b> <input type="checkbox"/> <b>Approval by Board of Supervisors</b> <input type="checkbox"/> <b>Other:</b>	<b>Source of Funds:</b> N/A Tax exemption
	<b>Annual Budget Allocation Pending Approval:</b> N/A

<b>Locality Offering the Incentive: City of Winchester</b>	
<b>Incentive #: 15</b> <b>Name: Commercial and Mixed-use Property Rehabilitation Grant</b> <b>Description:</b> Provides a cash grant for substantially improved commercial or mixed-use property within the Enterprise Zone for increasing the assessed value of a commercial or mixed-use property by at least 60%	<b>Locality/Provider: City of Winchester</b>
	<b>Qualification Requirements:</b> Rehabilitated property must be a commercial or mixed-use. Upon completion of rehabilitation, the assessed value of the property must be improved by at least 60%. Grant will be paid upon the post-rehabilitated assessed value of the property. Plans for substantial improvement must meet the guidelines as determined by the local zone administrator.
	<b>Exclusive to Zone:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, if no please explain how incentives will be tailored to zone
	<b>Period of Availability:</b> Available for the entire existence of the VEZ
<b>Financial Value of Incentive:</b> \$10,000 per grant for a new assessed value of \$250,000-\$499,000. \$15,000 per grant for a new assessed value of \$500,000 or more	<b>Effective date:</b> Effective upon approval by DHCD
<b>Action to Implement:</b> <input checked="" type="checkbox"/> Local Ordinance <input type="checkbox"/> Approval by Board of Supervisors <input type="checkbox"/> Other:	<b>Source of Funds:</b> Incentive will be funded by the City of Winchester
	<b>Annual Budget Allocation Pending Approval:</b> N/A

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# Appendix I: Public Hearing and Resolution Requirements

## Public Hearing Requirements

A local governing body must hold **at least one public hearing** on the application for Enterprise Zone amendment **prior to** the locality's passage of its enterprise zone resolution and prior to submission to DHCD. A copy of the advertisement of the public hearing and the public hearing minutes must accompany the application. **Enterprise Zone Regulation 13 VAC-5-112 490 states that Public Hearings may not have been held more than six months prior to the amendment submission.**

**For a joint application**, each participating local governing body may either hold a separate public hearing or schedule a joint public hearing.

## Public Hearing Advertisement Requirements

- ❑ Ads must be published once a week for two successive weeks in a newspaper of general circulation.
- ❑ The final advertisement cannot be published less than five days or more than twenty-one days prior to the hearing.
- ❑ The ad must give the time, date, and location of the hearing.

The complete requirements for conducting public hearings are stated in §15.2-2204, Code of Virginia.

### Information regarding joint zone amendments

- Localities participating in a joint zone can choose to amend their respective portions of the zone application simultaneously through the submission of one amendment application. However, this is not required. Participants in a joint zone may amend their portion of the zone independently of each other.
- Each locality can only amend their portion of the zone application once every twelve months from the approval date of their last amendment.
- **All localities participating in the joint zone (regardless of whether or not they are amending their portion of the zone) must pass approval resolutions and sign joint application agreements for any amendment made by a partnering joint applicant.**
- DHCD will not process any amendment application until the applicant or applicants in the case of a joint zone amendment are up to date on their annual reporting requirements.

## Minimum Resolution Format Requirements

While DHCD does not provide a template for zone amendment resolutions, **we outline the minimum requirements below which can also serve as the framework for a resolution.**

**Single Jurisdiction**--Resolutions accompanying single locality applications for enterprise zone amendment should state that the local governing body:

- ❑ Is applying for enterprise zone amendment;
- ❑ Authorizes its chief administrator (or clerk where there is no chief administrator) to submit all information needed to apply for a zone amendment.
- ❑ Authorizes its chief administrator (or clerk) to meet other program administrative and reporting requirements, as defined by the Enterprise Zone Regulations, throughout the life of the zone.

**Joint Application**--Separate resolutions are required of each participating locality and should state that:

- ❑ The local governing body is applying for enterprise zone amendment jointly with other localities (provide names);
- ❑ One jurisdiction (provide name) is designated to act as program administrator;
- ❑ The local governing body authorizes the chief administrator (or clerk) acting as program administrator to submit all information needed to apply for an enterprise zone amendment and to carry out all program administrative and reporting requirements on its behalf;
- ❑ The local governing body authorizes the chief administrator (or clerk) acting as program administrator to carry out all program administrative and reporting requirements on its behalf, as defined by the Enterprise Zone Regulations, throughout the life of the zone.
- ❑ Each jurisdiction participating in a joint EZ application has completed a Joint Application Agreement. **See page 14 of appendix for format of agreement.**

## Appendix I: Local Assurances

Local Assurances and Authorizations are used to certify the accuracy of the information provided by the applicant and to insure that the Program Regulations will be met. **Important:** All applications must include a certified resolution from the local governing body. If a joint application, include resolutions of each local governing body. **Attach the resolutions at the end of the amendment application.** Joint applications must also include Joint Application Amendment Agreement (JA) – refer to page 14 of the appendix.

As the representative of the local governing body of \_\_\_\_\_, I hereby certify that:  
(locality)

1. The information in the Enterprise Zone application is accurate to the best of my knowledge.
2. A public hearing was held by the aforementioned locality to solicit comments on this request for application amendment. A copy of the public hearing advertisement and a copy of the public hearing minutes are attached.
3. Any local enterprise zone incentives proposed by the aforementioned locality in the Enterprise Zone application represents a firm commitment by the locality and have been reviewed by the local governing body's attorney as to their legality;
4. It is understood that if at any time the aforementioned locality is unable or unwilling to fulfill a commitment to provide local enterprise zone incentives, or if no state enterprise zone incentives have been utilized within a five-year period, the zone shall be subject to termination.

**Chief Administrator:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Appendix I: Joint Application Agreement

Each jurisdiction participating in a joint application must complete the following form. This form insures that all jurisdictions are in agreement with the application being submitted by the amending jurisdiction. Completed joint application amendment agreements should be attached at the end of the amendment application.

### JOINT APPLICATION AMENDMENT AGREEMENT

As the representative of the local governing body of \_\_\_\_\_, I hereby certify that:  
(locality)

1. The aforementioned locality is in agreement with the other participating localities in filing this amendment;
2. Any local enterprise zone incentives proposed by the aforementioned locality in this amendment application represent a firm commitment;
3. It is understood that if at any time the aforementioned locality is unable or unwilling to fulfill a commitment to provide local enterprise zone incentives listed in this application, the zone shall be subject to termination; and
4. A public hearing was held on \_\_\_\_\_ to solicit comments on application.  
(date)

\_\_\_\_\_  
Chief Administrator's signature

\_\_\_\_\_  
Date

Name: \_\_\_\_\_

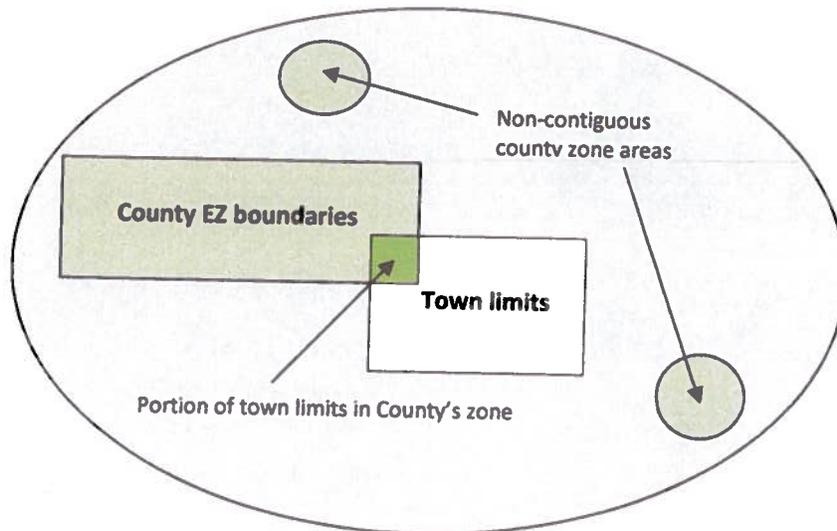
Title: \_\_\_\_\_

## Appendix II: Zone Size Requirements and Configurations

Size Limits for Zones in Towns and Cities	Size Limits for Zones in Counties
<p><b>Minimum:</b> one-quarter (1/4) square mile (160 acres).  <b>Maximum:</b> one square mile (640 acres).  <b>Exception:</b> may be larger than one square mile provided it does not exceed seven percent of the locality's land area or it does not encompass more than seven percent of the locality's total population. To calculate the population exception, use the Weldon Cooper Centers' most recent final (not provisional) population estimates for the locality. The following is link to the Weldon Cooper Public Service Center:  <a href="http://www.coopercenter.org/demographics/POPULATION%20ESTIMATES/">http://www.coopercenter.org/demographics/POPULATION%20ESTIMATES/</a></p>	<p><b>Minimum:</b> one-half (1/2) square mile (320 acres).  <b>Maximum:</b> six square miles (approximately 3,840 acres).</p> <p style="text-align: center;"><b>Size Limits for Zones in Consolidated Cities</b></p> <p>Zones in cities where the present boundaries have been created through the consolidation of a city and county (Chesapeake, Hampton, Newport News, and Virginia Beach) or the consolidation of two cities (Suffolk and Richmond), must use the minimum and maximum size guidelines for zones in unincorporated areas of counties described above.</p>

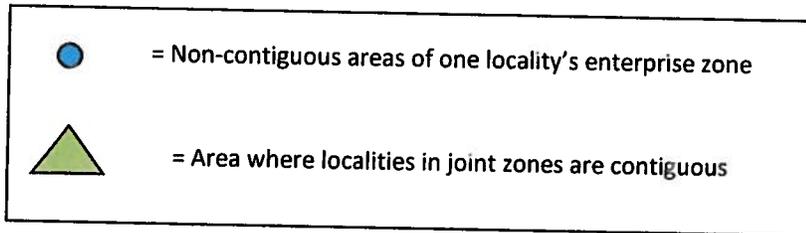
**Single zone:** An enterprise zone located entirely within a single jurisdiction. The locality's zone can consist of three non-contiguous zone areas. A county zone including areas within incorporated town limits constitutes a single zone and town acreage is considered part of the county's zone acreage.

Counties can amend their zone boundaries to include part of the corporate town limits as part of the zone. This addition does NOT constitute a joint zone. The acreage within the town limits counts towards the county's maximum zone acreage. Towns added into the county acreage are not required to offer local enterprise zone incentives, but may.

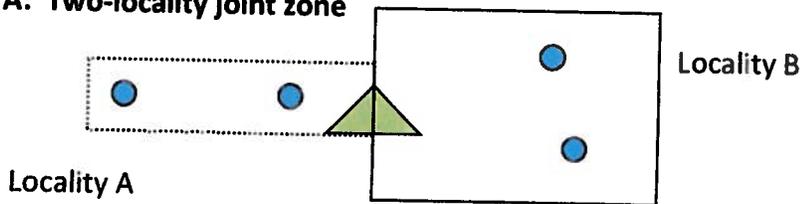


## Appendix II: Zone Size Requirements and Configurations

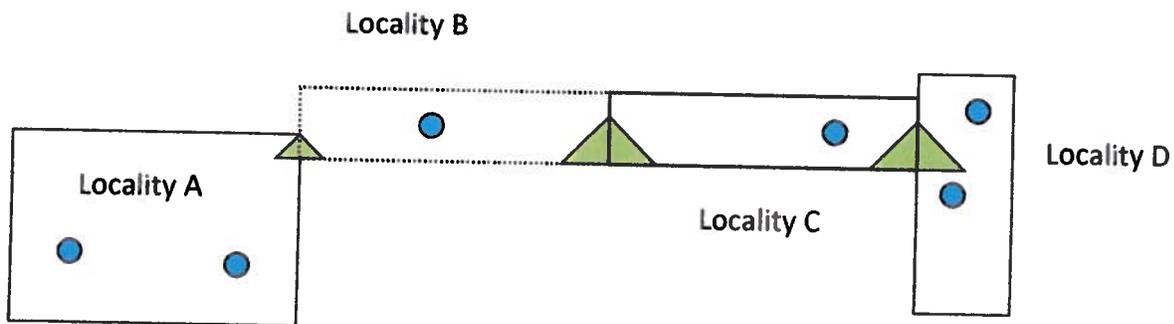
**Joint zone:** An enterprise zone located in two or more jurisdictions. Each locality's portion of the joint zone can consist of up to three non-contiguous geographic areas relative to that locality. The three non-contiguous areas comprise that locality's total zone size and the acreage of all three non-contiguous areas must meet the total size requirements for that type of locality. If a locality participates in a joint zone and also has two other zone designations, each of the three zones can consist of three non-contiguous areas. In the case of the joint zone, one of the locality's three possible zone areas must be contiguous to at least one other participant's zone area. The following are some examples of joint zone configurations:



**EXAMPLE A: Two-locality joint zone**



**EXAMPLE B: Four-locality joint zone**



## Appendix III: Incentive Amendments

Local incentives are a critical part of the success of an enterprise zone and they should be selected carefully. It is important for a locality to develop a package of incentives that will best assist in overcoming the specific barriers to development within their zone by supporting targeted business sectors. The number of incentives is not as important as the quality and impact of the incentives. If no zone businesses have qualified for a particular local incentive for more than one year, it might be appropriate to make amendments to the incentive. **Local incentives that require a business to qualify for state incentives are HIGHLY discouraged.**

### 1. Role of Local Incentives

- Local incentives should help address the locality's economic conditions and barriers to economic development goals.
- Local incentives should be tailored to both new and existing targeted business sectors.
- Local incentives should fill in the gaps of the state incentives therefore qualification for local incentives should **NOT** be contingent on state incentive qualification.

### 2. Constitutionality of Local Incentives

Because Virginia is a Dillon Rule state, localities have very little authority to offer local tax incentives unless expressly allowed through the Code of Virginia. The Virginia Enterprise Zone Grant Act allows participating localities to offer a variety of incentives to businesses.

Local enterprise zone incentives must in no way violate the Virginia Constitution. The Uniformity Clause of Article 10, Section 1, of the Virginia Constitution specifies that taxation must be uniform in territory, subject, and class. As it relates to the Enterprise Zone program the concern is that taxation must be uniform throughout an entire locality unless there is state enabling legislation that allows otherwise. **The local governing body's attorney should review local incentives to ensure their compliance with the Virginia Constitution.**

The following examples offer simple guidelines for common tax-related local incentives:

**Real estate tax exemption:** Virginia Code sections 58.1-3220 and 3221 serve as the enabling legislation and give all localities the authority to offer exemptions on real estate tax when certain conditions are met. This incentive can be offered locality wide, not just within the zone. In such cases where this incentive is offered locality-wide, the incentive criteria needs to be customized in the zone in order to be considered as a local enterprise zone incentive. **Real estate tax abatement, refunds, or rebates are prohibited under the State Constitution.**

**Machinery & tools tax grants:** The Uniformity Clause applies and there is no enabling legislation to allow for the exemption of this tax. Therefore, a locality wishing to offer an incentive related to the machinery and tools tax must first collect the tax uniformly from all appropriate taxpayers across the locality -those within the enterprise zone as well as those outside the zone. Once the tax is collected, the locality may offer businesses a grant based on their machinery and tool tax. This is usually done through the local Industrial Development Authority. **Machinery and tools tax abatement, refunds, or rebates are prohibited under the State Constitution.**

**BPOL tax, utility tax, or permit fees:** The Uniformity Clause does not apply to these taxes and fees. Localities are free to offer these incentives in the form of rebates, refunds, and abatements.

## Appendix III: Incentive Amendments Cont...

### 3. Examples of Local Incentives

An incentive that is available throughout a locality will not be considered an enterprise zone incentive unless special actions are taken to encourage greater utilization of the incentive within the proposed enterprise zone or a greater benefit is provided within the zone (i.e. lower qualification threshold or larger grant amount). Local governments provide a variety of financial and non-financial incentives to encourage economic growth and investment. The following list is not inclusive but serves as an example of the most frequently offered local enterprise zone incentives:

**Local Enterprise Zone Development Taxation Program:** Section 58.1-3245.6 through Section 58.13245.11 of the Code of Virginia enables designated zone localities to establish a Local Enterprise Zone Development Taxation Program. Incremental tax revenues generated from real property or machinery and tools, or both can be used to establish an enterprise zone development fund to pay for enhancements to government services that promote economic development.

**Tax Exemption:** §58.1-3221 of the Code of Virginia enables localities to defer the taxes on the increase in assessed value as a result of the rehabilitation of real estate for structures at least 15 years of age in enterprise zones and 20 years of age elsewhere in the jurisdiction.

**Local Tax Rebates:** BPOL tax fees, local sales tax on items purchased in the community for conduct and trade of business in the enterprise zone.

**Business Loans:** Facade improvement loans for both commercial and industrial properties, low interest loan funds for start-up and expansion, revolving loan funds composed of local and private funding sources.

**Fee Waivers:** Permit fees, sewer and water tap fees, utility fees.

**Public Improvements:** Highways, streets, sidewalks, water and sewer systems, signals, etc.

**Job Training:** Targeted training programs to meet business needs.

**Non-financial:** Fast track permitting, loan packaging assistance, and design assistance.

#### Suggested Rationale to Use When Developing Local Enterprise Zone Incentives

- a. Incentives should be directly linked to actions that are consistent with local enterprise zone revitalization and development goals.
- b. Survey existing zone businesses to gain feedback on existing local incentives and recommendations for new local incentives.
- c. Establish performance baselines that provide a threshold for qualification. Incentives should reward firms that make a commitment to invest in a zone by creating new jobs and/or investment.
- d. Develop measurable incentives.
- e. Incentives should represent sound fiscal policy and not provide an excessive level of benefit that would be inappropriate from an economic point of view.

## Appendix III: Incentive Amendments Cont...

### 4. Local Incentive Qualification Requirements

A locality should establish qualification requirements for each of its local incentives so that the incentives allow for a good return on investment for the locality (i.e. private investment or jobs leveraged). These requirements should be reasonable (not too restrictive) so that businesses can actually qualify. The detailed qualification requirements for each local incentive should be outlined in writing and approved by the local governing body prior to the submitting the amendment to DHCD. As part of this process, pertinent terms of the incentive qualifications should be defined as should the process for incentive application approval, life of the incentive, and the value of incentives. For example, if a locality is offering a machinery and tools tax grant based on the creation of five new jobs the locality needs to define “new jobs” for the purposes of the incentive qualification. Continuing with this example, would “new jobs” be considered net new, permanent full time and would there be any wage or benefit requirements in this definition?

In addition, a locality may establish conditions on the availability of such incentives. For example, a locality may propose to make grant funds available to new businesses during the first five years of zone operation. It may propose a three-year utility tax exemption for new or expanding firms or propose to restrict the availability of low interest business loans to new firms locating in the zone that agree to meet certain locally set hiring requirements. **Conditions should NOT require businesses to qualify for a state incentive in order to qualify for a local incentive.**

### 5. Financial Value of Incentives

The quantity of local enterprise zone incentives offered is not as important as the quality of local incentives. The incentives should be meaningful and beneficial to targeted business sectors. For example, if the cost of water and sewer service is higher in the county than in the city, the county zone may consider offering a water/sewer hookup fee incentive to help offset its higher service fees. The financial impact of the water/sewer hookup fee incentive should provide a considerable reduction, not just mere pennies in savings. Some incentives may have a different type of monetary value but can still have a valuable impact on the business. For example, if crime and vandalism to zone businesses is an issue, free consultations with the Crime Prevention through Environmental Design (CPTED) planner with the police department can be a valuable incentive where the value of the incentive would be the “consultant” market rate or police employee wage for such training.

### 6. Local Assigned Agents

A locality may designate an assigned agent, such as a local redevelopment and housing authority, a nonprofit entity or a private for-profit entity, to provide local incentives. This arrangement should be documented by a written commitment from the agent.

### 7. Termination

Section §59.1-284 of the Virginia Enterprise Zone Grant Act describes two circumstances that can result in the termination of a designated zone. First, in the event the local government or an assigned agent is unable or unwilling to provide regulatory flexibility, tax incentives or other public incentives as proposed in the application for zone designation, the zone may be terminated. This is avoidable if the applicant is able to amend the application by substituting an incentive that is equal or superior to the incentive originally approved. Second, if no business firms in an enterprise zone have qualified for state incentives within a five-year period, the zone will be terminated.

**CITY OF WINCHESTER, VIRGINIA**

**PROPOSED CITY COUNCIL AGENDA ITEM**

**CITY COUNCIL/COMMITTEE MEETING OF:** October 7, 2014 **CUT OFF DATE:** \_\_

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

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

**STAFF RECOMMENDATION:** Approval for submission to HUD

**PUBLIC NOTICE AND HEARING:** Authorize advertisement of CAPER for purposes of receiving public comment and hold public hearing October 14th, 2014.

**ADVISORY BOARD RECOMMENDATION:** The City's Community Development Committee has discussed and recommend the attached proposal

**FUNDING DATA:** N/A

**INSURANCE:** N/A

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Finance _____	<i>JB</i>	_____	<i>9/15/14</i>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney	<i>AS</i>	_____	<i>9/16/2014</i>
6. City Manager	<i>AS</i>	_____	<i>24 Sept 14</i>
7. Clerk of Council	_____	_____	_____
Initiating Department Director's Signature: _____	<i>[Signature]</i>	_____	<i>9/15/14</i>
	Economic Development Coordinator		Date



**APPROVED AS TO FORM:**

*[Signature]* *9/16/2014*  
**CITY ATTORNEY**

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Tyler Schenck, Economic Development Coordinator  
**Date:** October 7, 2014  
**Re:** The City of Winchester's Adoption of the Consolidated Annual Performance and Evaluation Report

**THE ISSUE:** Recipient jurisdictions of Community Development Block Grant, HOME Investment Partnership, Emergency Shelter or Housing for Persons with AIDS/HIV program funding must submit to the US Department of Housing and Urban Development (HUD) a Consolidated Annual Performance and Evaluation Report (CAPER) describing our use of federal funds on an annual basis. The CAPER is submitted to HUD using the Integrated Disbursement & Information System (IDIS). Most of the data provided in the CAPER is auto-populated by IDIS, and there have been numerous technical difficulties associated with this program. Currently, our numerical data in the CAPER reflects errors in IDIS, and we have been advised by HUD (see attached memo) to submit our CAPER prior to the October 26<sup>th</sup> deadline despite the recognized errors.

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

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

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

**OPTIONS:** Council may approve or disapprove the CAPER

**A RESOLUTION THAT AUTHORIZES THE CITY MANAGER TO SUBMIT THE CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

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

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

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

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

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

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

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



Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601

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

**TO: COMMON COUNCIL OF THE CITY OF WINCHESTER**  
**FROM: TYLER SCHENCK, ECONOMIC DEVELOPMENT COORDINATOR**  
**DATE: OCTOBER 7, 2014**  
**RE: COMMENTS ON CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT**

**SUBJECT**

Per the current agreement with the Northern Shenandoah Valley Regional Commission (NSVRC), the City of Winchester is responsible for compiling and submitting performance data related to the use of CDBG funds and any other community development resources made available. The NSVRC is responsible for compiling and submitting performance data related to the use of HOME funds in the form of the Consolidated Annual Performance and Evaluation Report (CAPER). This year, the CAPER is due to HUD no later than October 26, 2014. Prior to submission to HUD, the CAPER must be made available for public comment during a 15-day public comment period.

**FINANCIAL IMPACT & SUMMARY**

For program year 2013, \$455,775 was spent for housing and community development activities in the City of Winchester and surrounding Northern Shenandoah Valley Region through regular HOME and CDBG allocations. This amount reflects the NSVRC's and City's commitment to fund identified activities in our Annual Action Plan and Consolidated Plan.

**RECOMMENDATION**

It is the recommendation of City Staff that the Common Council proceed with Resolution approval. We have set a public comment period for September 30-October 14, during which time members of the community may review the draft report and submit comments. Members of the public may also attend the Winchester Common Council regular meeting on Tuesday, October 14, 2014 at 7:00 PM to give verbal comments to the City Council.

**Notice of Public Comment regarding Housing and Community Development activities in the Northern Shenandoah Valley Region:  
HOME and CDBG Programs**

Concurrent public comment periods will be held to solicit public comment on the draft 2013 Consolidated Annual Performance Evaluation Report (CAPER) and amendments to the 2013-2017 Consolidated Plan for use of federal funding to meet housing and community development priorities for the Northern Shenandoah Valley Region. The Draft CAPER summarizes use of federal housing and community development funds during Fiscal Year 2014(ending June 30, 2014) and progress in meeting goals identified in the 2013-2017 Consolidated Plan. Proposed amendments are summarized below. Please note that the CDBG funds in Winchester are directed by the Community Development Committee and Winchester City Council, while the regional HOME funds are directed by the Housing and Community Services Policy Board and the Northern Shenandoah Valley Regional Commission (NSVRC).

Copies of the draft 2013 CAPER are available from the respective office(s) as follows and can be downloaded from [www.NSVregion.org](http://www.NSVregion.org).

- Winchester City Attn: Department of Economic Redevelopment, 15 North Cameron Street Winchester VA 22601
- NSVRC, Attn: Community Development Program, 400E Kendrick Lane Front Royal Virginia 22630.

The following is a summary of the proposed amendments to the 2013 Consolidated Plan and 2011, 2012 and 2013 Annual Action Plans:

1. Reduce the proposed CDBG program benefits to 500 persons assisted through public facility or infrastructure activities other than Low/Moderate Income Housing Benefit.
2. Reallocation of \$263,422.42 of HOME funding available from 2011, 2012 and 2013 program years to the activities listed below. Funds were originally proposed in the respective Action Plans for homeownership development in the Town of Shenandoah, Winchester City and Frederick County (81%) and rental housing development (19%) in Woodstock :
  - \$15,000 for a Pre-Development Loan to evaluate site feasibility for development of affordable rental housing in Front Royal; and
  - \$248,422.42 for a rental housing development project known as Luray Meadows in Luray. The project was included in the 2013Annual Action Plan for funding; the total funding proposed to be available for the project if the current proposed Action Plan amendment is approved will be \$583,254.42.

Please take note of the opportunity for public comment, outlined as follows:

The City of Winchester staff will receive public comment on the CDBG portions of the CAPER and proposed Consolidated Plan amendment identified in item one above. NSVRC staff will receive public comment on the HOME portions of the CAPER and proposed reallocation of HOME funding identified in item two above.

Comments regarding the CAPER may be submitted to the appropriate contact during a 15- day public comment period beginning September 30, 2014 and ending October 14, 2014.

Comments regarding the proposed amendments to the 2013-2017 Consolidated Plan and 2011, 2012 and 2013 Action Plans may be submitted to the appropriate contact during a 30-day public comment period beginning on September 15, 2014 and ending on October 14, 2014.

Written comment regarding CDBG matters may be mailed to: City of Winchester, Attn: Economic Redevelopment, 15 N. Cameron Street, Winchester, Virginia 22601 or emailed to [tyler.schenck@winchesterva.gov](mailto:tyler.schenck@winchesterva.gov). Written comment regarding HOME matters may be mailed to: NSVRC, Attn: Community Development Program, 400E Kendrick Lane, Front Royal, Virginia 22630 or emailed to [aschweiger@NSVregion.org](mailto:aschweiger@NSVregion.org).

A total of three input sessions will be held during the comment periods. All scheduled input sessions fall within the comment periods. Those wishing to submit comment in person regarding the proposed CAPER and CDBG Program Amendments may do so during a public hearing scheduled in conjunction with the Winchester Community Development Committee Meeting scheduled for September 16, 2014 at 9 am. The meeting location is Winchester City Hall, 15 North Cameron Street in Winchester, Virginia. Those persons wishing to submit comment in person regarding the CAPER and HOME Program Amendments may do so during a public hearing scheduled in conjunction with the NSVRC's Housing and Community Services Policy Board meeting scheduled for October 2, 2014 at 9:30 am at the NSVRC Office located at 400 Kendrick Lane, Suite E in Front Royal, Virginia.

A final Public Hearing for all matters described in this notice will be held on October 14, 2014 at 7 pm in conjunction with the Winchester City Council's regular meeting in the City Council Chambers at Winchester City Hall, 15 North Cameron Street in Winchester, Virginia. Attendees may be required to sign in to speak regarding this matter. The City of Winchester will take action regarding the 2013 CAPER and proposed amendments to the 2013-2017 Consolidated Plan and 2011, 2012, 2013 Action Plans following the close of the Public Comment Period and Public Hearing.

Interpretation and special needs services are available for all three public meetings upon request. Individuals that request accommodations for accessibility or language assistance should contact the City of Winchester or NSVRC at least 7 days prior to the respective scheduled meetings to assure requests can be accommodated.

The City of Winchester and NSVRC ensure nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you have questions or concerns about civil rights compliance with this program or require special assistance for persons with disabilities or limited English proficiency, contact the office(s) listed above.

## CR-05 - Goals and Outcomes

### **Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)**

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

Regarding 2013 CDBG funding, the following activities were funded in the noted amounts below:

- Section 108 Loan Repayment: \$303,139.28
- Administration: \$42,558.47

Regarding 2013 HOME funding, the following organizations were awarded the noted amounts below:

- Shenandoah Alliance for Shelter; Tenant Based Rental Assistance: \$50,000
- Faithworks, Inc.; Tenant Based Rental Assistance: \$42,000
- People, Inc.; Owner Occupied Home Repair: \$45,000
- Blue Ridge Housing Network; Homeownership Development: \$96,000
- Habitat for Humanity; Homeownership Development \$78,000

The Tenant Based Rental Assistance program was able to assist 77 families at or below 80% area median income afford housing costs such as rent, utility costs, security deposits, and/or utility deposits. Five homebuyers received direct financial assistance to help bridge the gap between what they can afford and the cost of local housing. Four homeowners received funding used to assist low-income homeowners in the rehabilitation of their homes. Such HOME assistance can meet a critical need for homeowners who lack the funds to make necessary physical improvements to their homes.

### **Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)**

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Address special needs population housing	Affordable Housing Public Housing Non-Homeless Special Needs	CDBG: \$- HOME: \$0	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	100	0	0.00%		0	
Address special needs population housing	Affordable Housing Public Housing Non-Homeless Special Needs	CDBG: \$- HOME: \$0	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	100	0	0.00%		0	
Address special needs population housing	Affordable Housing Public Housing Non-Homeless Special Needs	CDBG: \$- HOME: \$0	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	100	77	77.00%		0	

Address special needs population housing	Affordable Housing Public Housing Non-Homeless Special Needs	CDBG: \$- HOME: \$0	HIV/AIDS Housing Operations	Household Housing Unit	25	0	0.00%	0	
Create and Enhance Economic Opportunities	Non-Housing Community Development	CDBG: \$223294 HOME: \$0	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	500	0	0.00%	0	
Create and Enhance Economic Opportunities	Non-Housing Community Development	CDBG: \$- HOME: \$0	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit	Households Assisted	0	0	0.00%	0	
Create and Enhance Economic Opportunities	Non-Housing Community Development	CDBG: \$- HOME: \$0	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	0	0.00%	0	
Create and Enhance Economic Opportunities	Non-Housing Community Development	CDBG: \$- HOME: \$0	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	0	0	0.00%	0	
Create and Enhance Economic Opportunities	Non-Housing Community Development	CDBG: \$- HOME: \$0	Facade treatment/business building rehabilitation	Business	0	0	0.00%	0	

Create and Enhance Economic Opportunities	Non-Housing Community Development	CDBG: \$- HOME: \$0	Jobs created/retained	Jobs	0	0	0.00%		0	
Create and Enhance Economic Opportunities	Non-Housing Community Development	CDBG: \$- HOME: \$0	Businesses assisted	Businesses Assisted	0	0	0.00%		0	
Create and Enhance Economic Opportunities	Non-Housing Community Development	CDBG: \$- HOME: \$0	Buildings Demolished	Buildings	0	0	0.00%		0	
Create and Enhance Economic Opportunities	Non-Housing Community Development	CDBG: \$- HOME: \$0	Other	Other	0	0	0.00%		0	
Prevent and End Homelessness	Homeless	CDBG: \$- HOME: \$0	Rental units constructed	Household Housing Unit	100	0	0.00%		0	
Prevent and End Homelessness	Homeless	CDBG: \$- HOME: \$0	Rental units rehabilitated	Household Housing Unit	100	0	0.00%		0	
Prevent and End Homelessness	Homeless	CDBG: \$- HOME: \$0	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	100	77	77.00%		0	
Prevent and End Homelessness	Homeless	CDBG: \$- HOME: \$0	Overnight/Emergency Shelter/Transitional Housing Beds added	Beds	25	0	0.00%		0	

Prevent and End Homelessness	Homeless	CDBG: \$- HOME: \$0	Homelessness Prevention	Persons Assisted	300	0	0.00%		0	
Prevent and End Homelessness	Homeless	CDBG: \$- HOME: \$0	Housing for Homeless added	Household Housing Unit	50	0	0.00%		0	
Provide Safe, Affordable, and Accessible Housing	Affordable Housing	CDBG: \$- HOME: \$418108.3	Rental units constructed	Household Housing Unit	100	0	0.00%		0	
Provide Safe, Affordable, and Accessible Housing	Affordable Housing	CDBG: \$- HOME: \$418108.3	Rental units rehabilitated	Household Housing Unit	50	0	0.00%		0	
Provide Safe, Affordable, and Accessible Housing	Affordable Housing	CDBG: \$- HOME: \$418108.3	Homeowner Housing Added	Household Housing Unit	25	1	4.00%		0	
Provide Safe, Affordable, and Accessible Housing	Affordable Housing	CDBG: \$- HOME: \$418108.3	Homeowner Housing Rehabilitated	Household Housing Unit	50	4	8.00%	14	4	28.57%

Provide Safe, Affordable, and Accessible Housing	Affordable Housing	CDBG: \$- HOME: \$418108.3	Direct Financial Assistance to Homebuyers	Households Assisted	50	8	16.00%	18	5	27.78%
Provide Safe, Affordable, and Accessible Housing	Affordable Housing	CDBG: \$- HOME: \$418108.3	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	100	77	77.00%	78	77	98.72%
Provide Safe, Affordable, and Accessible Housing	Affordable Housing	CDBG: \$- HOME: \$418108.3	Housing Code Enforcement/Foreclosed Property Care	Household Housing Unit	15	0	0.00%		0	
Provide Safe, Affordable, and Accessible Housing	Affordable Housing	CDBG: \$- HOME: \$418108.3	Other	Other		0		1	1	100.00%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

**Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.**

The Winchester City Council has taken the position in its Consolidated Plan and Annual Action Plan that the repayment of the City's outstanding Section 108 Loan is top priority. The City has obligated 90% of its annual CDBG funding in its Annual Action Plan and Consolidated Plan to repaying the loan with the remaining funding covering administrative activities.

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## CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG	HOME	HOPWA
White	0	65	0
Black or African American	0	4	0
Asian	0	0	0
American Indian or American Native	0	0	0
Native Hawaiian or Other Pacific Islander	0	0	0
Hispanic	0	6	0
Not Hispanic	0	63	0
<b>Total</b>	<b>0</b>	<b>138</b>	<b>0</b>

Table 2 – Table of assistance to racial and ethnic populations by source of funds

### Narrative

The racial breakdown for these families assisted through HOME programs with reported beneficiary information to date for 2013 are as follows: 64 White, 20 African American. Of those 84 families, 4 are ethnically Hispanic. For comparison, the racial makeup of the city of Winchester as of the 2000 census was 82.06% White, 10.47% African American, 0.24% Native American, 1.59% Asian, 0.03% Pacific Islander, 3.46% from other races, and 2.14% from two or more races. Hispanic or Latino of any race was 6.47% of the population.

**CR-15 - Resources and Investments 91.520(a)**

**Identify the resources made available**

Source of Funds	Source	Expected Amount Available	Actual Amount Expended Program Year X
CDBG		893,176	345,698
HOME		2,298,410	110,077

**Table 3 - Resources Made Available**

**Narrative**

**Identify the geographic distribution and location of investments**

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
CDBG TARGET AREA	100	100	
HOME TARGET AREA	100	100	Regional Target Area

**Table 4 – Identify the geographic distribution and location of investments**

**Narrative**

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## Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Federal funds will be leveraged to supplement resources to achieve goals outlined in the Consolidated Plan. Additional resources (private, state and local funds) were necessary to implement projects and programs on an annual basis. Subsidy layer analysis will be conducted for all funded projects to ensure that federal funds represent a small percentage of all project funding.

<b>Fiscal Year Summary – HOME Match</b>	
1. Excess match from prior Federal fiscal year	0
2. Match contributed during current Federal fiscal year	0
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	0
4. Match liability for current Federal fiscal year	0
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	0

**Table 5 – Fiscal Year Summary - HOME Match Report**

Match Contribution for the Federal Fiscal Year								
Project No. or Other ID	Date of Contribution	Cash (non-Federal sources)	Foregone Taxes, Fees, Charges	Appraised Land/Real Property	Required Infrastructure	Site Preparation, Construction Materials, Donated labor	Bond Financing	Total Match

Table 6 – Match Contribution for the Federal Fiscal Year

**HOME MBE/WBE report**

Program Income – Enter the program amounts for the reporting period				
Balance on hand at beginning of reporting period \$	Amount received during reporting period \$	Total amount expended during reporting period \$	Amount expended for TBRA \$	Balance on hand at end of reporting period \$
0	0	0	0	0

Table 7 – Program Income

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<b>Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period</b>						
	Total	Minority Business Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
<b>Contracts</b>						
Dollar Amount	0	0	0	0	0	0
Number	0	0	0	0	0	0
<b>Sub-Contracts</b>						
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0
	Total	Women Business Enterprises	Male			
<b>Contracts</b>						
Dollar Amount	0	0	0			
Number	0	0	0			
<b>Sub-Contracts</b>						
Number	0	0	0			
Dollar Amount	0	0	0			

**Table 8 – Minority Business and Women Business Enterprises**

<b>Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted</b>						
	Total	Minority Property Owners				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0					
Dollar Amount	\$0					

**Table 9 – Minority Owners of Rental Property**

<b>Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition</b>		
Parcels Acquired	0	0

Businesses Displaced	0	0
Nonprofit Organizations Displaced	0	0
Households Temporarily Relocated, not Displaced	0	0

Households Displaced	Total	Minority Property Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Cost	0	0	0	0	0	0

Table 10 – Relocation and Real Property Acquisition

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## CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	36	5
Number of Non-Homeless households to be provided affordable housing units	60	86
Number of Special-Needs households to be provided affordable housing units	14	0
<b>Total</b>	<b>110</b>	<b>91</b>

Table 11 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	78	77
Number of households supported through The Production of New Units	0	1
Number of households supported through Rehab of Existing Units	14	4
Number of households supported through Acquisition of Existing Units	18	5
<b>Total</b>	<b>110</b>	<b>87</b>

Table 12 – Number of Households Supported

### Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The One-Year Goal for Rental Assistance was nearly reached, falling just one family short of the target of 78 families. Regarding the production of new units, rehab of existing units, and acquisition of existing units, barriers to reaching the One-Year Goals included delayed starts for numerous projects due to administrative changes due to the HOME Final Rule handed down last year. Another problem encountered in meeting these goals was financing related. The funding round for tax credits left a large scale project financially insecure.

### Discuss how these outcomes will impact future annual action plans.

In future action plans, the focus will be on funding fewer projects in number, but at a higher level of funding. The focus on fewer projects will allow more resources to be put into projects which can have a

bigger community impact than several small projects could. In the 2015 Annual Action Plan, the benchmarks from previous CAPERS will be used to assess the difference between goals and outcomes of these projects.

**Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.**

<b>Number of Persons Served</b>	<b>CDBG Actual</b>	<b>HOME Actual</b>
Extremely Low-income	0	29
Low-income	0	41
Moderate-income	0	14
<b>Total</b>	<b>0</b>	<b>84</b>

**Table 13 – Number of Persons Served**

### **Narrative Information**

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

### **CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)**

**Evaluate the jurisdiction’s progress in meeting its specific objectives for reducing and ending homelessness through:**

#### **Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

As outlined in the region's Ten Year Plan to End Homelessness, the Continuum of Care (CoC) has formed a broad-based advisory committee comprised of members throughout the community, including elected officials, representatives of local government, the United Way, community and health foundations, and other influential community leaders who are dedicated to ending homelessness.

#### **Addressing the emergency shelter and transitional housing needs of homeless persons**

Recent changes in the US Department of Housing & Urban Development's (HUD) programming for homelessness has lead the CoC, through the 10 Year Planning to End Homelessness, to begin actively

transitioning shelter and service providers from emergency shelters and transitional housing operations towards permanent supportive housing. During this time, the CoC looks to successfully transition existing providers to permanent supportive housing and create new permanent supportive housing facilities throughout the region.

**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

The region's Ten (10) Year Plan to End Homelessness proposes the following goals to address helping homeless persons and families access affordable housing options:

**Permanent Supportive Housing:** Permanent supportive housing has been identified as a solution to homelessness for a sub-set of the population who experience homelessness for long periods of time (chronic homelessness) with multiple barriers to housing stability, including mental disabilities, chemical dependence, and other chronic health conditions. Permanent supportive housing provides first a home and then continuing supportive services to help individuals maintain a home. These support services either directly provide or connect individuals to services in the community. Support services include direct or coordinated care in the areas of mental health, substance abuse, health care, dental care, education, employment, and access to benefits.

**Rapid Re-Housing:** Rapid re-housing is a strategy to assist families and individuals experiencing homelessness to access housing as quickly as possible and then deliver uniquely tailored services to help them maintain stable housing. It follows a housing first philosophy which says that individuals and families experiencing homelessness need housing first, and then they need services. Rapid re-housing differs from traditional homeless assistance in that it does not require a family or individual to live in emergency shelter or transitional housing for a certain length of time prior to returning to permanent housing. It can, however, be delivered in an emergency shelter or transitional housing setting and is not mutually exclusive from emergency shelter and transitional housing settings. Services are consumer-driven in that the person, with the help of a case manager, determines the services that she or he needs to maintain their housing. Services are critical to help a family maintain their housing, access and maintain employment, and increase their self-sufficiency and well-being. It is the housing and services that make rapid re-housing an effective permanent solution to homelessness.

**Partnering with Landlords:** Many agencies and community organizations have developed partnerships with landlords, and these partnerships have resulted in access to affordable housing options for those experiencing and at risk of homelessness. The partnership is an agreement that the landlord will rent to this population and, in some cases, the service agency agrees to maintain contact and provide services to help the household remain stably housed. It is a win-win situation for all parties in that the person

accesses affordable housing, the service agency helps to house their clients, and the landlord has a source of support if any problems with the tenant arise.

Partnering with Affordable Housing Developers: Non-profit and for-profit affordable housing developers can be important partners in the financing and development of affordable, subsidized, and permanent supportive housing that can serve as a resource to homeless assistance agencies who wish to increase housing available to people experiencing homelessness

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs**

The COC, in meeting the goals and strategies outline in the Ten (10) Year Plan to End Homelessness, proposed creating a "Supportive Services" and "Prevention" committees, which will be tasked with meeting their respective goals. The Supportive Services committee will be responsible for: Overseeing the implementation of strategies that increase income through employment; Overseeing the creation of a system of centralized intake and assessment; Overseeing the implementation of strategies that increase access to disability and other benefits for those who are eligible; Overseeing increased access to supportive services.

The Prevention committee will be responsible for: Overseeing strategies that prevent the homelessness of people being discharged from hospitals and mental health institutions; Overseeing strategies that prevent the homelessness of people exiting from jails; Overseeing strategies that prevent the homelessness of youth aging out of foster care; Overseeing strategies that prevent the homelessness of unaccompanied youth.

### **CR-30 - Public Housing 91.220(h); 91.320(j)**

#### **Actions taken to address the needs of public housing**

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

#### **Actions taken to encourage public housing residents to become more involved in management and participate in homeownership**

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

#### **Actions taken to provide assistance to troubled PHAs**

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

### **CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)**

**Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)**

The Northern Shenandoah Valley HOME Consortium and the City of Winchester recognize that impediments to fair housing choice do exist and are working to improve fair housing choice. The Northern Shenandoah Valley Regional Commission held a fair housing workshop in March 2013 which reviewed the region's consolidated planning process and Landlord Outreach Network, and provided information on VA fair housing law to local officials, housing providers, service providers, and the public at-large. The City of Winchester and the Northern Shenandoah Valley Regional Commission continue to prioritize efforts to reduce fair housing impediments through the following strategies: 1. Increase transparency surrounding fair housing and complaint process. 2. Increase landlords' and property managers' knowledge of fair housing. 3. Assist person with disabilities to obtain access to housing and services. 4. Work to reduce NIMBYism by encouraging neighborhood diversity. 5. Encourage affordable housing development.

### **Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)**

In 2013, for the third year, the special needs population was identified for project funding, including those individuals and families transitioning from homelessness. By integrating the Annual Action Plan with the planning process undertaken by the Continuum of Care, the region was able to increase the level of coordination as well as make resource allocation and service delivery more efficient. The Continuum of Care, with the support of the Northern Shenandoah Valley Regional Commission staff worked together to implement a strategic plan to end homelessness in the Northern Shenandoah Valley. This plan is included in the 2013-2017 Consolidated Plan.

### **Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)**

Duplicate question-see above.

### **Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)**

As part of the work program from 2013, NSVRC will be coordinating with the region's economic development directors to identify strategies to promote economic development and redevelopment opportunities throughout the region, including identification of resources available to persons who are at risk of poverty. Strategies include job retraining programs, small business development programs, micro-lending and general self-sufficiency programs.

### **Actions taken to develop institutional structure. 91.220(k); 91.320(j)**

NSVRC continues to coordinate with area stakeholders, namely human service providers, through staff support provided to the Housing and Community Services Technical Advisory Network. Currently in the midst of an ongoing “membership drive”, we hope to engage additional agencies not directly related to the provision and development of affordable housing but those who serve primarily low and moderate income individuals and families, or members of the prioritized special needs populations.

NSVRC will continue to host and promote training opportunities, particularly those focused on resource development, capacity building, and sustainability.

### **Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)**

NSVRC continues to coordinate with area stakeholders, namely human service providers, through staff support provided to the Housing and Community Services Policy Board and the Continuum of Care.

### **Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)**

The Northern Shenandoah Valley HOME Consortium and the City of Winchester recognize that impediments to fair housing choice do exist and are working to improve fair housing choice. The Northern Shenandoah Valley Regional Commission will hold fair housing workshops to educate local officials, housing providers, service providers and the public at-large are aware of fair housing law. Outlined below are proposed strategies to be undertaken in reducing fair housing impediments:

1. Increase transparency surrounding fair housing and complaint process.
2. Increase landlords’ and property managers’ knowledge of fair housing.
3. Assist persons with disabilities to obtain access to housing and services.
4. Work to reduce NIMBYism by encouraging neighborhood diversity.
5. Encourage affordable housing development.

### **CR-40 - Monitoring 91.220 and 91.230**

#### **Description of the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements**

The Northern Shenandoah Valley Regional Commission is responsible for HOME Program Administration. NSVRC is responsible for assuring the HOME programs maintains compliance with regulations. NSVRC currently has two full time staff members assigned to Community Development Programs. Staff members attend regular trainings provided by HUD or TA Consultants and participate in

regular conference calls with other Virginia Grantees. NSVRC staff members work with locally and regionally appointed members of advisory committees to review progress of funded projects and provide policy direction as needed.

The NSVRC also appointed a committee to identify affordable housing and community development needs, known as the regional Housing and Community Services Policy Board (HCSPB). The HCSPB works with NSVRC staff to review regional data related to homelessness, affordable housing and community services to better inform the fund allocation process for the HOME Consortium. Additionally, HCSPB members direct NSVRC staff in pursuing additional resources to address affordable housing and community development priorities in the Region. In Program Year 2013, the HCSPB expanded its membership to include a representative from the local Continuum of Care (CoC), a local real-estate professional and an additional representative from a local Social Services department. The HCSPB continues to play an important role in informing and shaping the HOME program in the Northern Shenandoah Valley.

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

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

NSVRC also pursued grant funding through the National Alliance to End Homelessness (NAEH) in Program Year 2013 to support the development of a regional landlord network to assist low- and moderate-income residents, housing providers and other non-profit organizations in identifying

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

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#### **Citizen Participation Plan 91.105(d); 91.115(d)**

**Description of the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.**

NSVRC and the City of Winchester hosted a 15 day public comment period for the 2013 CAPER covering both the CDBG and HOME Programs, beginning on August 21, 2013 and ending September 4, 2014. Consistent with the Citizen Participation Plan, a public hearing was also held on September 9, 2014 at a regular meeting of the Winchester City Council. As Grantee and Lead Entity for the CDBG and HOME Program respectively, the Winchester City Council took action that night to adopt the 2013 CAPER as presented. Staff also gave presentations regarding the CAPER and accomplishments in the CDBG and HOME Programs at the following meetings: HCSPB (September 4, 2014), Winchester City Council Work Session (August 19th, 2014) and Winchester City Council (September 9, 2014).

Two advertisements were placed in the Winchester Star and Northern Virginia Daily (locally circulated newspapers) regarding the public comment period and hearings. NSVRC also solicited for public comment on HOME accomplishments through the local Continuum of Care list serve and the www.NSVcommunity.org website. NSVRC has also utilized stakeholder networks in other program areas such as transportation and natural resources where there is applicability to housing and community development. The City of Winchester placed an additional advertisement in the Winchester Star with the regular meeting agenda. No public input was received. Winchester City Council took action to approve the CAPER for submission to HUD on Tuesday September 9, 2013. NSVRC Board took action to approve the CAPER submission to HUD on Thursday September 19, 2013.

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

**CR-45 - CDBG 91.520(c)**

**Specify the nature of, and reasons for, any changes in the jurisdiction’s program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.**

The City of Winchester amended its 2013 Consolidated Plan to provide 10% administration funding to City's CDBG Administrator. Section 108 Loan repayments described in the Consolidated Plan was reduced from 100% to 90% to reflect the change. The City estimates that it will be able to repay its Section 108 Loan obligation in the originally planned amount of time.

<b>Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?</b>	No
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**[BEDI grantees] Describe accomplishments and program outcomes during the last year.**

## **CR-50 - HOME 91.520(d)**

**Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations**

Please list those projects that should have been inspected on-site this program year based upon the schedule in §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

Inspections for ten newly completed projects are scheduled to occur at shortly and during the period of affordability to determine compliance with the applicable property standards.

**Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 92.351(b)**

Each agency does marketing actions for HOME units. NSVRC confirms and monitors the marketing actions of the agency throughout the program year.

**Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics**

N/A

**Describe other actions taken to foster and maintain affordable housing. 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 91.320(j)**

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

# CR-60 - ESG 91.520(g) (ESG Recipients only)

## ESG Supplement to the CAPER in *e-snaps*

### For Paperwork Reduction Act

#### 1. Recipient Information—All Recipients Complete

##### Basic Grant Information

Recipient Name	WINCHESTER
Organizational DUNS Number	069380574
EIN/TIN Number	546001683
Identify the Field Office	RICHMOND
Identify CoC(s) in which the recipient or sub recipient(s) will provide ESG assistance	

##### ESG Contact Name

Prefix  
First Name  
Middle Name  
Last Name  
Suffix  
Title

##### ESG Contact Address

Street Address 1  
Street Address 2  
City  
State  
ZIP Code  
Phone Number  
Extension  
Fax Number  
Email Address

##### ESG Secondary Contact

Prefix  
First Name  
Last Name  
Suffix  
Title  
Phone Number  
Extension  
Email Address

#### 2. Reporting Period—All Recipients Complete

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Program Year Start Date 07/01/2013

CAPER

23

**Program Year End Date**

06/30/2014

**3a. Sub recipient Form – Complete one form for each sub recipient**

**Sub recipient or Contractor Name**

**City**

**State**

**Zip Code**

**DUNS Number**

**Is sub recipient a victim services provider**

**Sub recipient Organization Type**

**ESG Sub grant or Contract Award Amount**

DRAFT

## CR-65 - Persons Assisted

### 4. Persons Served

#### 4a. Complete for Homelessness Prevention Activities

Number of Persons in Households	Total
Adults	-
Children	-
Don't Know/Refused/Other	-
Missing Information	-
<b>Total</b>	-

Table 14 – Household Information for Homeless Prevention Activities

#### 4b. Complete for Rapid Re-Housing Activities

Number of Persons in Households	Total
Adults	-
Children	-
Don't Know/Refused/Other	-
Missing Information	-
<b>Total</b>	-

Table 15 – Household Information for Rapid Re-Housing Activities

#### 4c. Complete for Shelter

Number of Persons in Households	Total
Adults	-
Children	-
Don't Know/Refused/Other	-
Missing Information	-
<b>Total</b>	-

Table 16 – Shelter Information

#### 4d. Street Outreach

Number of Persons in Households	Total
Adults	-
Children	-
Don't Know/Refused/Other	-
Missing Information	-
<b>Total</b>	-

Table 17 – Household Information for Street Outreach

#### 4e. Totals for all Persons Served with ESG

Number of Persons in Households	Total
Adults	-
Children	-
Don't Know/Refused/Other	-
Missing Information	-
<b>Total</b>	-

Table 18 – Household Information for Persons Served with ESG

#### 5. Gender—Complete for All Activities

	Total
Male	-
Female	-
Transgender	-
Don't Know/Refused/Other	-
Missing Information	-
<b>Total</b>	-

Table 19 – Gender Information

**6. Age—Complete for All Activities**

	Total
Under 18	-
18-24	-
25 and over	-
Don't Know/Refused/Other	-
Missing Information	-
<b>Total</b>	-

Table 20 – Age Information

**7. Special Populations Served—Complete for All Activities**

**Number of Persons in Households**

Subpopulation	Total Persons Served – Prevention	Total Persons Served – RRH	Total Persons Served in Emergency Shelters	Total
Veterans	-	-	-	-
Victims of Domestic Violence	-	-	-	-
Elderly	-	-	-	-
HIV/AIDS	-	-	-	-
Chronically Homeless	-	-	-	-
<b>Persons with Disabilities:</b>				
Severely Mentally Ill	-	-	-	-
Chronic Substance Abuse	-	-	-	-
Other Disability	-	-	-	-
Total (unduplicated if possible)	-	-	-	-

Table 21 – Special Population Served

## CR-70 – ESG 91.520(g) - Assistance Provided and Outcomes

### 10. Shelter Utilization

Number of New Units – Rehabbed	-
Number of New Units – Conversion	-
Total Number of bed - nights available	-
Total Number of bed - nights provided	-
Capacity Utilization	-

Table 22 – Shelter Capacity

### 11. Project Outcomes Data measured under the performance standards developed in consultation with the CoC(s)

## CR-75 – Expenditures

### 11. Expenditures

#### 11a. ESG Expenditures for Homelessness Prevention

	Dollar Amount of Expenditures in Program Year		
	FY 2009	FY 2010	FY 2011
Expenditures for Rental Assistance	-	-	-
Expenditures for Housing Relocation and Stabilization Services - Financial Assistance	-	-	-
Expenditures for Housing Relocation & Stabilization Services - Services	-	-	-
Expenditures for Homeless Prevention under Emergency Shelter Grants Program	-	-	-
<b>Subtotal Homelessness Prevention</b>	-	-	-

Table 23 – ESG Expenditures for Homelessness Prevention

#### 11b. ESG Expenditures for Rapid Re-Housing

	Dollar Amount of Expenditures in Program Year		
	FY 2009	FY 2010	FY 2011
Expenditures for Rental Assistance	-	-	-
Expenditures for Housing Relocation and Stabilization Services - Financial Assistance	-	-	-
Expenditures for Housing Relocation & Stabilization Services - Services	-	-	-
Expenditures for Homeless Assistance under Emergency Shelter Grants Program	-	-	-
<b>Subtotal Rapid Re-Housing</b>	-	-	-

Table 24 – ESG Expenditures for Rapid Re-Housing

**11c. ESG Expenditures for Emergency Shelter**

	Dollar Amount of Expenditures in Program Year		
	FY 2009	FY 2010	FY 2011
Essential Services	-	-	-
Operations	-	-	-
Renovation	-	-	-
Major Rehab	-	-	-
Conversion	-	-	-
<b>Subtotal</b>	-	-	-

**Table 25 – ESG Expenditures for Emergency Shelter**

**11d. Other Grant Expenditures**

	Dollar Amount of Expenditures in Program Year		
	FY 2009	FY 2010	FY 2011
Street Outreach	-	-	-
HMIS	-	-	-
Administration	-	-	-

**Table 26 - Other Grant Expenditures**

**11e. Total ESG Grant Funds**

Total ESG Funds Expended	FY 2009	FY 2010	FY 2011
	-	-	-

**Table 27 - Total ESG Funds Expended**

**11f. Match Source**

	FY 2009	FY 2010	FY 2011
Other Non-ESG HUD Funds	-	-	-
Other Federal Funds	-	-	-
State Government	-	-	-
Local Government	-	-	-
Private Funds	-	-	-
Other	-	-	-
Fees	-	-	-
Program Income	-	-	-
<b>Total Match Amount</b>	-	-	-

**Table 28 - Other Funds Expended on Eligible ESG Activities**

**11g. Total**

<b>Total Amount of Funds Expended on ESG Activities</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>
	-	-	-

**Table 29 - Total Amount of Funds Expended on ESG Activities**

DRAFT

# CITY OF WINCHESTER, VIRGINIA

## PROPOSED CITY COUNCIL AGENDA ITEM

**CITY COUNCIL/COMMITTEE MEETING OF:** October 7, 2014 **CUT OFF DATE:** \_\_\_

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

**ITEM TITLE:** AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF 200-214 NORTH CAMERON STREET FOR THE PURPOSE OF CONSTRUCTING A PUBLIC FACILITY ("EVENTS CENTER")

**STAFF RECOMMENDATION:** Approval

**PUBLIC NOTICE AND HEARING:** Authorize advertisement of ordinance for purposes of receiving public comment and hold public hearing October 14th, 2014.

**ADVISORY BOARD RECOMMENDATION:** The Winchester Economic Development Authority approves of the ordinance.

**FUNDING DATA:** \$795,000 from the City's general fund

**INSURANCE:** N/A

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Finance _____	<i>B</i>	_____	<i>10-2-14</i>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney	<i>av</i>	_____	<i>10/2/2014</i>
6. City Manager	<i>MB</i>	_____	<i>20 Oct 2014</i>
7. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: \_\_\_\_\_  
 Economic Development Coordinator

*10/2/14*  
Date



**APPROVED AS TO FORM;**

*[Signature]*  
 CITY ATTORNEY *10/2/2014*



Revised: September 28, 2009

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Tyler Schenck, Economic Development Coordinator  
**Date:** 10/7/2014  
**Re:** AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF 200-214 NORTH CAMERON STREET FOR THE PURPOSE OF CONSTRUCTING A PUBLIC FACILITY ("EVENTS CENTER")

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**THE ISSUE:** The Winchester Common Council and City Staff have a strong desire to facilitate the development of an events center.

**RELATIONSHIP TO STRATEGIC PLAN:** Will assist in the City's desire to grow the economy.

**BACKGROUND:** The Economic Development Authority of the City of Winchester received a feasibility study from Strategic Advisory Group (SAG) that stated Winchester could support the creation of an events center and provided two potential sites for the development.

**BUDGET IMPACT:** Proposed purchase price of the property is \$795,000. Funds will be from the City's general fund.

**OPTIONS:** Council may approve the City's acquisition of the property, decline to acquire the property, or modify the scope of the agreement to purchase.

**RECOMMENDATIONS:** City Staff recommends the approval of the attached ordinance and execute a contract to acquire 200-214 North Cameron Street in the amount of \$795,000.

**AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF 200-214 NORTH CAMERON STREET FOR THE PURPOSE OF CONSTRUCTING A PUBLIC FACILITY (“EVENTS CENTER”)**

WHEREAS, it is the belief of Common Council for the City of Winchester that the construction of an “auditorium/convention center/conference center/coliseum” (hereinafter “events center”) would be of benefit to the citizens of the City of Winchester; and

WHEREAS, §58.1-608.3 of the Code of Virginia provides for the recovery of certain tax revenues for the purpose of offsetting certain costs related to such facility including but not limited to the cost acquisition of property and development of such a facility; and

WHEREAS, Common Council believes that the property located at 200-214 North Cameron Street would be suitable to facilitate the development of such a facility; and

WHEREAS, said property is available and the City holds an option to purchase said property at a cost of \$795,000.00; and

WHEREAS, it is the wish of Common Council that the City exercise its option and purchase said property using existing funds and savings generated from the refinancing of bonds under the Resolution currently being considered by Council (R-2014-37) entitled:

**RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT REFUNDING BONDS, SERIES 2014, OF THE CITY OF WINCHESTER, VIRGINIA, IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,500,000.00 PROVIDING FOR THE FORM, DETAILS, AND PAYMENT THEREOF, AND PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL OBLIGATION BONDS OF THE CITY; and**

WHEREAS, the details and funding of the development of said facility shall be set forth in further documents to be reviewed and approved by Common Council.

NOW therefore be it ORDAINED, that the City Manager and City Attorney are hereby directed to take all necessary action to exercise the option and conclude the purchase of said property for the uses described herein in accordance with the provisions of this Ordinance.

BE it further ORDAINED that upon such acquisition, the City does hereby accept the property described in this Ordinance.

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 10/07/14 (work session), CUT OFF DATE: 9/30/14
10/14/14 (Resolution to Initiate)

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

ITEM TITLE:

Discussion – Proposed Changes to Telecommunications Review Process

STAFF RECOMMENDATION:

Forward to regular Council meeting for text amendment initiation

PUBLIC NOTICE AND HEARING:

N/A

ADVISORY BOARD RECOMMENDATION:

If the item is forwarded for initiation at a regular Council meeting, the item will go to Planning Commission for recommendation.

FUNDING DATA: N/A

INSURANCE: N/A

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

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

Initiating Department Director's Signature: [Signature] 9/30/14
(Zoning and Inspections)



APPROVED AS TO FORM:

[Signature] 9/30/14
CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Aaron Grisdale, Director of Zoning and Inspections  
**Date:** October 7, 2014  
**Re:** Discussion – Proposed Changes to Telecommunications Review Process

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## **THE ISSUE:**

During a previous Council work session, staff was directed to explore possible adjustments to the review process for telecommunications facilities to help streamline the review, when possible.

## **RELATIONSHIP TO STRATEGIC PLAN:**

Goal 4 – Create a More Livable City for All, Objective 3 – Manage future growth, development and redevelopment consistent with City’s vision, comprehensive plan and development standards and policies

## **BACKGROUND:**

Following a review of our Zoning Ordinance provisions for telecommunications facilities and provisions of the Middle Class Tax Relief Act of 2012, staff has presented some opportunities to facilitate a more streamlined review process for collocations and modifications of existing facilities. The updated provisions in the draft amendment categorize the types of requests received from telecommunications providers into three groups: new telecommunications facilities, major modifications, and minor modifications. New facilities and major modifications will still require the CUP process; however, minor modifications will be an administrative review and approval.

Major modifications are based upon FCC guidance as to what constitutes a substantial increase in size of an existing facility:

- The height of the existing facility is increased by more than ten percent (10%) from the current height or twenty (20) feet, whichever is greater;
- More than 4 new equipment cabinets or 1 new shelter;
- Protrusion of more than twenty (20) feet or width of the tower, whichever is greater; or,
- Excavation outside existing leased or owned property and current easements.

Minor modifications include new antennas that do not meet the threshold for major modifications, as well as collocations on existing towers and buildings. The applicant will be able to submit an application for administrative review and approval. Through this process, the applicant will still need to secure additional zoning requirements, if needed, such as Historic Winchester and Corridor Enhancement district approval. A fee of \$500 will be associated with the application. The ordinance will also include the same three basic requirements for administrative approval as are typically included with a telecommunications CUP approval: certification the antennas meet federal requirements, bond covering removal of the equipment, and a requirement to remove the equipment once it is no longer in active use.

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**BUDGET IMPACT:**

No funding is required.

**OPTIONS:**

- Forward the amendment to a regular Council meeting for formal initiation.
- Direct staff to make additional changes to the proposal.
- Decline to take any action.

**RECOMMENDATIONS:**

Staff believes this draft amendment serves the intent of Council to streamline the process for modifications of existing facilities.

**ARTICLE 3  
LOW DENSITY RESIDENTIAL DISTRICT - LR**

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

3-2-2 ~~Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems~~ Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance **with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.** (2/13/96, Case TA-95-07, Ord. No. 002-96)

**ARTICLE 4  
MEDIUM DENSITY RESIDENTIAL DISTRICT – MR**

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

4-2-5 ~~Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems~~ Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance **with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.** (2/13/96, Case TA-95-07, Ord. No. 002-96)

**ARTICLE 5  
HIGH DENSITY RESIDENTIAL DISTRICT – HR**

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

5-2-14 ~~Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems~~ Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance **with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.** (2/13/96, Case TA-95-07, Ord. No. 002-96)

**ARTICLE 5.1  
LIMITED HIGH DENSITY RESIDENTIAL DISTRICT - HR-1**

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

5.1-2-6 ~~Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems~~ Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance **with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.**

**ARTICLE 6  
RESIDENTIAL OFFICE DISTRICT - RO-1**

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

6-2-5 ~~Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems~~ **Telecommunications facilities** in accordance with Section 18-2-1.2 of this Ordinance **with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.** (2/13/96, Case TA-95-07, Ord. No. 002-96)

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

**SECTION 7-2. USES REQUIRING A CONDITIONAL USE PERMIT.**

7-2-18 ~~Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems~~ **Telecommunications facilities** in accordance with Section 18-2-1.2 of this Ordinance **with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.** (2/13/96, Case TA-95-07, Ord. No. 002-96)

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

**SECTION 8-2. USES REQUIRING A CONDITIONAL USE PERMIT**

8-2-17 ~~Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems~~ **Telecommunications facilities** in accordance with Section 18-2-1.2 of this Ordinance **with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.** (2/13/96, Case TA-95-07, Ord. No. 002-96)

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

**SECTION 9-2. USES REQUIRING A CONDITIONAL USE PERMIT.**

9-2-15 ~~Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems~~ **Telecommunications facilities** in accordance with Section 18-2-1.2 of this Ordinance **with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.** (2/13/96, Case TA-95-07, Ord. No. 002-96)

**ARTICLE 10  
COMMERCIAL INDUSTRIAL DISTRICT - CM-1**

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

10-2-8 ~~Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems~~ **Telecommunications facilities** in accordance with Section 18-2-1.2 of this Ordinance **with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.** (2/13/96, Case TA-95-07, Ord. No. 002-96)

**ARTICLE 11  
LIMITED INDUSTRIAL DISTRICT - M-1**

**SECTION 11-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.**

11-2-4 ~~Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems~~ Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance **with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.** (2/13/96, Case TA-95-07, Ord. No. 002-96)

**ARTICLE 12  
INTENSIVE INDUSTRIAL DISTRICT - M-2**

**SECTION 12-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.**

12-2-1 ~~Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems~~ Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance **with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.** (2/13/96, Case TA-95-07, Ord. No. 002-96)

**ARTICLE 13  
PLANNED DEVELOPMENT**

**SECTION 13-2. PLANNED COMMERCIAL DISTRICT – PC**

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

13-2-4.3 ~~Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems~~ Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance **with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.**

**ARTICLE 15  
HEALTH SERVICES DISTRICT – HS**

**SECTION 15-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.**

15-2-3 ~~Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems~~ Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance **with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.** (2/13/96, Case TA-95-07, Ord. No. 002-96)

**ARTICLE 15.1  
MEDICAL CENTER DISTRICT – MC**

**SECTION 15.1-2. USES PERMITTED BY CONDITIONAL USE PERMIT.**

15.1-2-3 ~~Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems~~ **Telecommunications facilities** in accordance with Section 18-2-1.2 of this Ordinance **with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.** (2/13/96, Case TA-95-07, Ord. No. 002-96)

**ARTICLE 16  
HIGHER EDUCATION DISTRICT - HE-1**

**SECTION 16-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.**

16-2-1 ~~Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems~~ **Telecommunications facilities** in accordance with Section 18-2-1.2 of this Ordinance **with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.** (2/13/96, Case TA-95-07, Ord. No. 002-96)

**ARTICLE 16.1  
EDUCATION, INSTITUTION AND PUBLIC USE DISTRICT – EIP**

**SECTION 16.1-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.**

16.1-2-1 ~~Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems~~ **Telecommunications facilities** in accordance with Section 18-2-1.2 of this Ordinance **with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.**

**18-2-1.2 Telecommunications Facilities**

**A. For the purposes of this section, the following definitions shall apply:**

- 1) **Telecommunications Facility: Any antenna, antenna array or other communications equipment consisting of personal wireless services, as defined in the Federal Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services, including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), and paging, as well as unlicensed wireless services and common carrier wireless exchange access services, and similar services that currently exist or that may in the future be developed. Where reference is made to a telecommunications facility, unless otherwise specified or indicated by context, such reference will be deemed to include the support structure on which the antenna or other communications equipment is mounted, transmission cables, and any associated equipment shelter.**

- 2) **New Telecommunications Facility: The establishment of a telecommunications facility, on a tower, building, or other support structure, where such facility does not presently exist.**
  
- 3) **Major Modification: An alteration of a telecommunications facility wherein:**
  - i. **The height of the existing facility is increased by more than ten percent (10%) from the current height or twenty (20) feet, whichever is greater;**
  - ii. **More than 4 new equipment cabinets or 1 new shelter;**
  - iii. **Protrusion of more than twenty (20) feet or width of the tower, whichever is greater; or,**
  - iv. **Excavation outside existing leased or owned property and current easements.**
  - v. **The calculation for such modifications shall be cumulative over time following the initial approval of the telecommunications facility. No such modification shall be permitted if the structure will exceed the height for the zoning district as provided in 18-2-1.2B.**
  
- 4) **Minor Modification: An alteration of an existing telecommunications facility that does not meet or exceed the thresholds for a major modification outlined in Section 18-2-1A(2). The calculation for such modifications shall be cumulative over time following the initial approval of the telecommunications facility. No such modification shall be permitted if the structure will exceed the height for the zoning district as provided in 18-2-1.2B. Any modification, replacement or collocation of antennas on a building containing an existing telecommunications facility shall be classified as a minor modification.**

18-2-1.2B.

Proposals for ~~new transmitting and receiving facilities and towers for cellular communications systems and similar communications systems~~ telecommunications facilities or major modifications of such facilities shall demonstrate the following: (2/14/96, Case TA-95-07, Ord. No. 002-96; 8/13/13, Case TA-13-198, Ord. No. 2013-21)

- 1) All possible means for sharing space on existing towers or on existing buildings or other structures have been exhausted and no alternative other than constructing a new tower exists, and if a new tower is proposed, the applicant has executed a Letter of Intent to share space on their tower and negotiate in good faith with other interested parties.;
  
- 2) The height of any tower is no more than the minimum to accomplish required coverage and any new tower is separated from property lines in a residential district by not less than the height of the tower. In no case shall any tower exceed 75 feet in height in a LR, MR, HR, HR-1, RO-1, RB-1 or HS Districts, nor 100 feet in the B-1, B-2, CM-1, PC, MC, EIP or HE-1 Districts, nor 200 feet in the M-1 or M-2 Districts;

- 3) The tower construction is of a design which minimizes the visual impact and the tower and other facilities have been camouflaged and/or screened from adjacent properties and rights of way to the maximum extent practicable. To this end, the proposal must provide for retention of existing stands of trees and the installation of screening where existing trees do not mitigate the visual impact of the facility. Such screening must, at a minimum, meet the requirements of Section 19-5-6.4d of this Ordinance. The Planning Commission may recommend and the City Council may require additional trees and screening when the minimum provisions do not mitigate adverse visual impacts of the facility;
  - 4) The 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.
- C. **Minor modifications of existing telecommunications facilities shall require approval of an administrative zoning permit in place of a conditional use permit and fee as provided in Section 23-8-1:**
- 1) **Such modifications shall be submitted for approval on a form designated by the Administrator.**
  - 2) **Prior to approval of the zoning permit, the applicant shall demonstrate that required approval has been secured for any additional ordinance requirements as provided in this ordinance, including but not limited to site plan approval and certificates of appropriateness for facilities in the Historic Winchester (HW) and Corridor Enhancement (CE) districts, as needed.**
  - 3) **Approval of an administrative telecommunications permit shall include the following conditions:**
    - i. **Submission of an as-built emissions certification after the facility is in operation, demonstrating compliance with radio frequency emission standards established by the Federal Government.**
    - ii. **Submittal of a bond at one hundred and fifty percent (150%) to guarantee removal of the approved facilities should the use cease.**
    - iii. **The applicant, tower owner, or property owner shall remove equipment within ninety (90) days once the equipment is no longer in active use.**

**ARTICLE 23**

**ADMINISTRATION AND INTERPRETATION**

**SECTION 23-8. FEES.** (10/13/99, Case TA-99-04, Ord. No. 029-99; 10/9/02, Case TA-02-07, Ord. No. 024-2002; 8/13/13, Case TA-13-198, Ord. No. 2013-21)

23-8-1	Conditional Use (when applied for at same time as site plan) (10/8/02, Case TA-02-07, Ord. No. 024-2002)	\$200
	Conditional Use (when applied for separate from site plan) (10/8/02, Case TA-02-07, Ord. No. 024-2002)	\$500
	Conditional Use – Telecommunications Facility/Tower (New, <b>Major</b> Modification, or Collocation) (8/13/13, Case TA-13-198, Ord. No. 2013-21)	\$1500
	<b><u>Administrative Telecommunications Permit (Minor Modifications)</u></b>	<b><u>\$500</u></b>