

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
September 23, 2014
Cafeteria – John Kerr Elementary School**

DRAFT

PRESENT: President John Willingham; Councilor Jeff Buettner, Evan Clark, John Hill, Corey Sullivan and John Tagnesi; Mayor Minor and Vice-President Milt McInturff (8)

ABSENT: Vice-Mayor Les Veach (1)

President Willingham called the meeting to order at 6:01 p.m.

2.0 Public Comments:

Bob Robinson of 901 Breckinridge Lane stated of the comments received, 95% of those choosing Option 1 live in the neighborhood and 5% do not. Of those choosing Option 2, 32% live in the neighborhood. Most of the people who want two lanes each way do not live in the neighborhood.

David Look of 237 Jefferson Street expressed his concern that this will become a major route to the hospital and the creation of a bottleneck that changes from two to four lanes will set up an unsafe condition.

Susan Nyberg of 1533 Meadow Branch spoke in favor of creating a walkable community by keeping the road two lanes with sidewalks and a bike lane and the economic impact it will have in the area

Tommy Kramer of 705 Mahone Drive referred to a June 23, 1988 Winchester Star article that reported the City of Winchester will not need to spend as much for the planned development of 1000 homes as it will be geared to the elderly and not need schools.

Edward Sabatino of 925 Mahone Drive spoke in favor of option 1 due to the safety concerns.

Dan Troup of 808 Buckner Drive stated Jubal Early Drive will be the through road to Route 37 once it is complete. Meadow Brach is a residential street and should stay that way.

Ilene Johnson of 1390 Magruder Court stated Council has hired an excellent staff and asked Council to please honor the staff recommendation.

John Trueblood of 810 Mahone Drive suggested changing the proposed traffic signal intended for Buckner Drive to Mahone Drive due to the swimming complex that more people are taking advantage of.

Gar Sydnor of 1518 Meadow Branch Avenue stated the proposal for four lanes will need three traffic lights at a cost of \$750,000 and it only gets a 0.40 mile improvement. Due to the time and cost, he is in favor of option 1.

3.0 Items for Discussion:

3.1 Presentation: John Kerr Elementary School Update

Erica Truban, Winchester School Board Chair, and Ed Smith, Director of Operations, provided an update on the John Kerr Elementary School project.

Mr. Smith stated since April, the site plan and design have been developed; the property has been rezoned; and input has been received from the City's building officials, board members, administration and teachers. In the next couple of weeks, the site plan will be finalized and they expect to break ground in November. Redistricting will be a part of this process and informational meetings will be held at all of the elementary schools. Final approval for the new boundaries from the Board is expected in January 2015. Mr. Smith presented a video showing the different aspects of the exterior of the new building including an 11,000 square foot court yard that will be designed by students and funded through the community partnerships.

Councilor Corey Sullivan arrived at 6:26 p.m.

Ms. Truban stated the new school will have a capacity for 650 students in kindergarten through the 4th grade. Fifth grade will still be at Daniel Morgan Middle School. Ms. Truban presented a diagram of the interior design of the new building. She stated the school will have a secured vestibule that the other schools do not have. The cafeteria has been made larger than originally planned to allow for a larger free breakfast program and enough space for hold all school assemblies. The gymnasium is not full size but will still meet the program requirements set in the documents. The library/resource center will be on the second floor along with the art room.

Ms. Truban stated future discussion items will include the screening for the mechanical units, the exterior dining area, the rear courtyard, and the decision on landscaping. The funding for fixtures, furniture and equipment is in the CIP but a future discussion on the operational budget impacts from the redistricting in terms of teacher staffing at each school will need to be held.

3.2 Presentation: Public Safety Communications Tower Update

Lynn Miller, Emergency Management Coordinator, presented an update on the communications project. The project consists of two sites, one at the Timbrook Public Safety Building and the other at the water tower on Jefferson Street. The proposed tower located at TPSB will be a 150 foot monopole that will replace the current 85 foot tower and will be able to utilize the services already on site. The secondary site will be able to use the existing water tank with a new antenna array on top of the tank. The approval from the Virginia Department of Historic Preservation is still needed for the TPSB site but objections have been overcome from the Tribal Historical Preservation Organization (THPO), the National Environment Protection Agency (NEPA), and the State Historical Preservation Organization (SHPO). All of these approvals are required for an Antenna Site Registration (ASR). The FCC licensing still needs to be finalized and the narrow band waiver will need to be extended. When the system is complete, it will be totally interoperable with the other departments in the city, schools, and state agencies

3.3 R-2014-35: Resolution – Recognition of the heroic actions of Josiah Duffy in an emergency situation

Allen Baldwin, Chief of Fire & Rescue, presented the proposal to honor 10 year old Josiah Duffy who administered the Heimlich maneuver to save a friend's life.

Vice-President McInturff moved to forward R-2014-35 to Council. *The motion was seconded by Councilor Clark then unanimously approved 8/0.*

3.4 R-2014-37: Resolution – Providing for the issuance and sale of General Obligation Public Improvement Refunding Bonds, Series 2014, of the City of Winchester, Virginia, in an aggregate principal amount not to exceed \$16,500,000, providing for the form, details and payment thereof, and providing for the refunding of certain General Obligations Bonds of the City

Mary Blowe, Finance Director, presented the proposal to issue refunding bonds for a savings of \$943,000.

Vice-President McInturff moved to forward R-2014-37 to Council. *The motion was seconded by Councilor Hill then unanimously approved 8/0.*

3.5 R-2014-38: Resolution – Approval of Meadow Branch Extension Project

Perry Eisenach, Utilities Director, presented the two issues for consideration in regards to Meadow Branch. He stated the first issue is the extension of the roadway and the second is the striping of the road. The extension from Buckner to Merrimans is 0.60 miles. The 4 options to extend the road are two or four lanes with or without a center median. Staff has basically followed the existing

plan of four lanes with a center median. The only area that will not have a center median is just north of Buckner due to the width of the road. A new traffic signal would be located at the entrance of the John Kerr Elementary School. Staff would also recommend as a part of the project continuing the Green Circle Trail, installing 5 foot sidewalks, street lighting and storm drainage improvements. The project funding for the extension is about \$4 million dollars. Half of the cost will be paid from state funds. The City will pay about \$600,000 and the developer will pay \$1.3 million. Most of the feedback received from the public comments has been about the striping. A majority of the comments received about the extension have been positive. Mr. Eisenach asked council to approve the resolution for the extension to begin construction in the spring with completion in 2015.

Councilor Buettner moved to forward R-2014-38 to Council with option A. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

3.6 R-2014-39: Resolution – Approval of striping Meadow Branch Avenue –

Mr. Eisenach presented three options for striping Meadow Branch Avenue. Option 1 would have one lane with a five foot bike lane to start at Handley and continue 700 feet past Buckner where it would change to a four lane road to Amherst. Option 2 would have two lanes in each direction. Option 3 would have no striping at all. He stated staff does not recommend option 3 due to safety. The biggest factor between Option 1 and 2 is the traffic volume. Since the volume cannot be predicted accurately, several things have been done to try to determine it. The traffic count data showed 6,000 vehicles on Merrimans Lane and 5,500 vehicles on Meadow Branch near Handley. There are approximately 4,000 vehicles a day traveling that route that do not live in the area. An assumption can be made that at least 6,000 vehicles will travel the extension each day. Mr. Eisenach stated the current route taken today is 1.4 miles. The new extension will be 1 mile with a time savings of approximately 72 seconds depending on the time of day, school dismissal, etc. If a road has 12,000 vehicles or less, it generally functions fine as a two lane road but no one knows how quickly the volume will increase to that amount.

Mr. Eisenach stated staff also looked at the intersections of Handley/Meadow Branch and Armistead/Meadow Branch that currently have all way stops. The intersection of Buckner/Meadow Branch also has line of sight issues and staff recommends adding an all way stop there. If Council decides to go with four lanes, staff would recommend installing traffic signals to improve safety with a cost of \$750,000. He stated other issues to consider are the highway maintenance funding from the state, bike users, and on street parking. Currently, the City gets paid for Meadow Branch as a two lane road. If it is striped as a four lane, the City would receive an additional \$13,000 a year in funding. For the bike users, Option 1 would allow a safe route to ride in a bike lane from Amherst to Jubal Early Drive. If Council goes with Option 2, either

the streets or the sidewalks could be widened to allow for bikers and pedestrians but he did not have an estimated cost. Also, there are a few residents that use the on street parking in this area.

Mr. Eisenach stated the 2013 MPO Planning Study showed Meadow Branch could have 25,000 vehicles traveling on it each day in 2035. However, the Jubal Early Extension project is still planned to extend Route 37 which could take traffic off of Meadow Branch. He stated this project has seen the most public comments than those done in the past with 59% for Option 1 and 41% for Option 2. Because of the unknown traffic volumes and the cost of the three traffic signals, staff is suggesting going with Option 1. When the traffic volumes increase, Council can look at making the adjustments to four lanes at that time.

Vice-President McInturff suggested adding an amendment to temporarily stripe the road to get the traffic data and then decide to do two or four lanes.

Councilor Buettner stated this is the second fastest way to get to the west side of the city so the count is probably accurate now. There are sections without sidewalks with the four lane proposal. He asked if there are any suggestions to get those who live in a section without sidewalks to cross the street to get to the sidewalks and is there an estimate costs for the sidewalks. Mr. Eisenach stated he would get that number to Council.

Councilor Buettner stated whether it is done now or later, the City is still taking away from someone. He expressed his concern for safety and stated there are more arguments for striping it with two lanes.

Mayor Minor stated it would be very confusing to do the temporary striping and the extra revenue fails to compare to the safety. The City could always go to the four lanes in the future but at this time she will support Option 1.

Councilor Tagnesi stated the estimate for the traffic volume in 20 years is ludicrous and suggested taking the traffic counts in six months.

Councilor Sullivan stated he could go either way for two or four lanes. He asked if access to the hospital is critical to the decision and expressed his concern for ambulances trying to get around school buses in a hurry. He also expressed he concern about taking away parking from those who already have it and adding it to the new areas. He would like a hybrid approach to leave the current parking but don't offer it in the new section.

Councilor Clark stated he prefers Option 1 as it is well thought out. He thinks there will be a significant increase in traffic counts and suggested making a protected left turn lane into the school going north. He stated the wider lanes will easily allow an ambulance to pass through around a bus. He sees the temporary striping as a waste of time and money. He stated the narrow striping is a traffic calming measure and he really likes the design.

Councilor Hill asked about the status of the Jubal Early Extension. Mr. Eisenach stated when Jubal Early does get extended, it will alleviate traffic but it depends on the economy and when the developer can make that work.

President Willingham asked if both options would be needed depending on the growth in the city. Mr. Eisenach stated that if the traffic growth happens as expected in the long range plans, there will be more problems in the city than these roads. Those studies make a significant amount of general assumptions.

President Willingham asked what would trigger the need to increase it to four lanes. Mr. Eisenach stated it is generally the 12,000 traffic counts. Mr. Willingham asked if the undeveloped parcels should be considered in the formula for the traffic counts. Mr. Eisenach stated whatever happens north of the school will not be big enough to justify those volumes.

President Willingham stated he would support Option 1 with the strategy that the City prepares for four lanes in the future by not adding parking in the new section and adding crosswalks.

Councilor Buettner moved to forward R-2014-39 with Option 1 while still planning for the potential need for four lanes. *The motion was seconded by Vice-President McInturff then unanimously approved 8/0.*

- 3.7 O-2014-39:** AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 18, AND 19 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS OF GROUP HOME; PROVISIONS FOR TEMPORARY HEALTH CARE STRUCTURES; PERMITTING, NOTIFICATION REQUIREMENTS, AND APPEAL PROCEDURES FOR FAMILY DAY HOMES; AND SITE PLAN EXPIRATION TIMELINES. **TA-14-477** (Amendment modifies several sections of the Zoning Ordinance to reflect changes made to the Code of Virginia in recent General Assembly sessions)

Aaron Grisdale, Director of Zoning and Building Inspections, presented the amendment initiated by the Planning Commission to bring the Zoning Ordinance in compliance with the changes made by the General Assembly. He stated the four areas of concern are the definition of Group Home, including temporary health care structures in the ordinance to allow for additional housing structures on a property, notification requirements for a family day home and an appeal procedure if the request is denied, and expiration timelines for a site plan.

Councilor Clark moved to forward O-2014-39 to Council. *The motion was seconded by Councilor Buettner then unanimously approved 8/0.*

- 3.8 CU-14-485:** Conditional Use Permit – Request of EFD Investments, LLC, for a Conditional Use Permit for extended stay lodging at 132 N. Braddock Street

(Map Number 173-01-F-6 - > <01) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay

Planning Director Tim Youmans presented the request for extended stay lodging at 132 N. Braddock Street. He stated the request is similar to a previous case at 126 N. Braddock adjacent to the property. The proposal is for 4 units with maid service. Parking would be provided in the Braddock Street Autopark or in another facility.

Councilor Clark moved to forward CU-14-485 to Council. *The motion was seconded by Councilor Hill then unanimously approved 8/o.*

3.9 O-2014-40: AN ORDINANCE TO REZONE 7.7076 ACRES OF LAND AT 940 CEDAR CREEK GRADE (Map Number 249-01- -2 - > <01) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH PLANNED DISTRICT DEVELOPMENT (PUD) OVERLAY AND PARTIAL CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY. RZ-14-490

Mr. Youmans presented the request to remove the PUD overlay and to extend the CE District over the property again. He stated the proffers that were revised on September 11th limit the uses that would be associated with this rezoning to include assisted living facilities. The applicant did provide updated trip generation figures and the traffic impact is greatly reduced compared with the 132 apartment unit. The Planning Commission sent the proposal forward with the recommendation for approval.

Councilor Clark asked if there is a potential customer. Mr. Youmans stated he understands there is a potential contract. If the contract falls through, the applicant has asked that the current zoning stay.

Councilor Buettner moved to forward O-2014-40 to Council. *The motion was seconded by Councilor Tagnesi then unanimously approved 8/o.*

3.10 SD-14-532 Request of the City Of Winchester for preliminary subdivision approval for a subdivision right-of-way dedication for Meadow Branch Avenue at 200 Merrimans Lane (Map Number 149-01-7-A) and 470 Merrimans Lane (Map Number 169-01- -5), zoned Conditional Highway Commercial (B-2) District, Education, Institution and Public Use (EIP) District, Medium Density Residential (MR) District, Low Density Residential (LR) and Residential Business (RB-1) District.

Mr. Youmans reminded Council that their action on a Sub-Division is a motion without a public hearing and it does not require first and second reading. Having said all of that, he stated the PPEA proposal for the school compounds some of the sub-division requirements with the bonding. The Comprehensive

Agreement with the Schools muddles the equation and will need to be figured out before all of this is finalized. Mr. Youmans reviewed the various maps showing the proposed sub-divisions and the minor divisions that are expected to come forward in the future.

Vice-President McInturff moved to forward SD-14-532 to Council. *The motion was seconded by Mayor Minor then unanimously approved 8/o.*

3.11 R-2014-36: Resolution – Adoption of City Council policy for remote participation by members in case of emergency and personal matters

City Attorney Anthony Williams presented the proposal to allow members of City Council to participate in a meeting remotely due to emergency situations. He stated this would only be allowed twice a year. The only other restriction would be that Council has the right to vote on allowing someone to remotely participate if the president decides not to allow it.

Mayor Minor moved to forward R-2014-36 to Council. *The motion was seconded by Councilor Buettner then unanimously approved 8/o.*

President Willingham stated he would entertain a motion to add the discussion of personnel matter to the executive session. *The motion was seconded by Councilor Clark, seconded by Vice-President McInturff, then unanimously approved 8/o.*

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.

Vice-President McInturff moved to convene into Executive Session at 8:24 p.m. *The motion was seconded by Councilor Tagnesi then unanimously approved 8/o.*

Vice-President McInturff moved to reconvene in open session at 8:49 p.m. *The motion was seconded by Councilor Clark then unanimously approved 8/o.*

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

A roll call vote was taken, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Councilor Buettner	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Aye
Councilor Sullivan	Aye
John Tagnesi	Aye
Vice-Mayor Veach	Absent
President Willingham	Aye

5.0 Monthly Reports

5.1 Police Department

5.2 Fire& Rescue Department

6.0 Adjournment

Councilor Clark moved to adjourn the meeting at 8:50 p.m. *The motion was seconded by Vice-President McInturff then unanimously approved 8/0.*