Exhibit B

COMMUNITY SAFETY & PUBLIC SERVICES COMMITTEE
September 1, 2009
City Council Chambers – Rouss City Hall

PRESENT: President Jeff Buettner; Vice-Mayor Michael Butler; Councilor Evan Clark, Milt McInturff, Les Veach and John Willingham; Vice-President Art Major; Mayor Elizabeth Minor (8)
ABSENT: Councilor John Hill (1)

President Buettner called the meeting to order at 5:33 p.m.

Approval of Minutes – Councilor Veach moved to approve the minutes of the July 7, 2009 meeting. *The motion was seconded by Council Clark then unanimously approved by voice-vote.*

Community Safety Report – Chairman Minor

- Discussion on amendments to section 16-24 of the City Code to provide clarification and address concerns related to public urination - Kevin Sanzenbacher, Police Chief

  Chief Sanzenbacher stated the purpose of the amendment is to provide members of the Department with a more effective tool to take action against persons who urinate or deposit other human excreta in public places. Currently, action can be taken against indecent exposure but the officer or victims have to see the private part of the body and the intent to expose is a required element of the crime.

  Councilor Hill arrived at 5:37 p.m.

  Councilor McInturff moved to send the amendments forward to Council. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

- Discussion on an ordinance to adopt section 16-6.2 of the Winchester City Code pertaining to begging / panhandling - Kevin Sanzenbacher, Police Chief

  Chief Sanzenbacher stated the purpose of the ordinance is to provide members of the Department an effective tool to take action against persons begging and panhandling within the City limits. Currently, officers need to see the individual either physically stop people to solicit money or enter the road way to solicit

funds. One group was charged under the current law last month and the judge did convict them but there is nothing to prevent them from doing it again.

Councilor McInturff asked how it will affect fundraising activities for Fire & Rescue. Chief Sanzenbacher stated there is a provision that allows for permission to be given for recognized charitable organization.

Vice-President Major moved to send the ordinance forward to Council. *The motion was seconded by Council McInturff then unanimously approved by voice-vote.*

- Discussion on Police Department Fitness Initiative – Kevin Sanzenbacher, Police Chief

  Chief Sanzenbacher stated the purpose of the initiative is to set and maintain fitness standards for law enforcement personnel to increase productivity, reduce injury, reduce the number of sick days used and to extend the life span of members of the service.

- Motion to forward a resolution designating October 4-10, 2009 as National Fire Prevention Week – Frank Wright, Fire & Rescue Chief

  Chief Wright presented the resolution recognizing Fire Prevention Week.

  Vice-Mayor Butler moved to send the resolution forward to Council. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

- Discussion of signage in public rights-of-way – Mayor Minor

  Mayor Minor stated she asked in the Mayor's Report a couple of months ago that people do not put yard sale signs in the public rights-of-way. This also applies to realtor signs and election signs. Staff continues to remove signs that citizens are placing there.

  City Attorney Anthony Williams stated these signs are referred to as snipe signage. They are very portable and easy to put up. The state code allows the City to enter into a written agreement to take action against this. He suggested directing the City Manager to have the Zoning Administrator come up with a proposal.

  President Buettner asked Interim City Manager Robert Noe to come back with a report on the issue.

- Discussion on Public Safety Communications System – Lynn Miller, Emergency Management & Erin Elrod, Emergency Communications

  Emergency Management Director Lynn Miller presented a brief summary of the comprehensive study performed on the City's communication systems to comply with the FCC regulations.

  Dan Smith of L. Robert Kimball & Associates presented the history of the project and recommended converting to the 800 Mhz spectrum over the VHF spectrum for less noise, less interference, and for gate-way possibilities into other spectrums for interoperability. The FCC requirement for narrow banding deadline is January 2013. The next wave of narrow banding will take it to digital radio but no deadline has been given. The solution to interoperability problems is to get everyone on the same platform to talk on. The next mandate from the FCC is to convert to Digital P25 format. Mr. Smith suggested the City begin the license process, replace the copper at the City's main site, and begin the budgeting process.

  Mr. Miller presented rough estimates of the cost ranging from $820,000 to $7-9 million dollars. The recommendation is for the $4-5 million dollar range but the $820,000 will bring the City up to the 2013 requirements.

  Finance Director Mary Blowe recommended funding $245,000 to proceed with the contract out of the fund balance with the option to pay back the funds from the proceeds of the bond.

  Vice-President Major asked if the funds were for this specific contract or if it will be put out to bid. Mr. Miller stated this is a continuation of the current contract from 2006.

  Vice-President Major asked if it was a part of the original bid. Mr. Miller stated this is a follow up to that and would begin the research and acquisition of frequencies.

  Mr. Williams asked what the penalty would be for not meeting compliance in 2013. Mr. Smith stated the civil consequences would be pretty steep but it hasn't been challenged yet. The City will notice people taking the frequencies and filing grievances against the City.

  Vice-Mayor Butler asked if there had been any discussions about delaying the deadline due to the economy. Mr. Smith stated the switch over was started in 1993 and localities have been getting information about it since then.

Vice-Mayor Butler asked if it is true that only 40% of the localities are ready and 60% are not. Mr. Smith stated that it is true and he expects the FCC will begin recommending localities go straight to digital.

Vice-Mayor Butler asked if there was any help in funding. Mr. Miller stated there is very little that he knows of but it was part of the contract to help find funding.

President Buettner moved to defer the issue until the City hears back from other localities. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

Public Services Report – Chairman Veach

- Discussion of Tree Commission ordinance (tabled at May 12th Council Meeting) – Councilor Les Veach

  Councilor Veach presented the ordinance for discussion.

  Councilor McInturff stated he would like to explore and create an appeals committee of 3 members of Council to hear the appeals instead of one person.

  President Buettner stated he does not have a problem with an appeals committee but he would like to get away from members of Council on the committee.

  Councilor McInturff recommended it would be appropriate for the City Arborist to serve on the committee.

  Vice-Mayor Butler expressed his concern that it would create another level of bureaucracy that is not needed. He is fine with the City Manager handling the appeals.

  Vice-President Major recommended the City Manager, the Tree Commission Chairman, and the Public Services Committee Chairman serve on the committee.

  Councilor Willingham moved to amend section 30-17b of the ordinance to replace City Manager with a panel comprised of the City Manager, the Tree Commission Chairman, and the Public Services Committee Chairman or their designee. *The motion was seconded by Councilor Clark then 8/2 with Vice-Mayor Butler and Councilor Hill voting in the negative.*

  Councilor McInturff moved to send the amended ordinance forward to Council. *The motion was seconded by Councilor Clark them unanimously approved by voice-vote.*

- Discussion of Natural Resources Advisory Board By-Laws – Tom Hoy, Public Works Director

  Mr. Hoy presented an updated version of the NRAB by-laws for review by Council.

  President Buettner moved to strike Article 4.3 where it states the NRAB members may represent the City at various meetings. The motion was seconded by Vice-President Major.

  Vice-President Major stated Council has a respect for the members of the NRAB and what they are trying to do but we have seen boards and commissions go astray from the mission of Council. Article 1.1 states the NRAB provides input as requested by the general public but it should read as directed by City Council. The board could still bring items to Council so Council can make the decision.

  Mr. Williams expressed his concern that if the by-laws are forwarded to Council and approved it can create a problem because there is already an ordinance that set up the NRAB.

  Vice-President Major called the question on President Buettner's motion to strike article 4.3. *The motion was unanimously defeated 0/9.*

- Motion to send forward for approval the Winchester Tree Canopy Plan – Tom Hoy, Public Works Director

  Mr. Hoy stated the tree program was started many years ago and has been endorsed by the Tree Commission and the Natural Resources Advisory Board.

  President Buettner moved to send the plan forward to Council. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

- Motion to send forward a resolution regarding the Construction of the Proposed "PATH" 765-Kilovolt Transmission Line – President Jeff Buettner

  Vice-Mayor Butler moved to send the resolution forward to Council. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

- Discussion / Update of N. Loudoun – N. Cameron Intersection Improvement Project – Perry Eisenach, Utilities Director

  Mr. Eisenach stated Council made a decision last December to make Braddock and Cameron Streets two way traffic. The intersection of Loudoun and Cameron

Streets is the most difficult to do. After looking at several options, the recommendation made was driven by cost due to the budget situation. This past month, the citizens have voiced their opposition to Council's decision. Mr. Eisenach presented the following options for consideration:

1. Construct a median as Council instructed to do – not recommended
2. Construct a signal but it would still be a bad intersection. – not recommended
3. Leave Cameron one way north between Oaks and Loudoun and purchase property in the future to realign the intersection. – recommended by staff and would require adoption of an ordinance.

Councilor Willingham inquired about the cost of a round-about. Mr. Eisenach stated it would be a minimum of $500,000 but that does not include the property purchase or the cost to move the electric lines.

Councilor Willingham asked if there would be a financial outlay with option 3. Mr. Eisenach stated there would be some cost to install new signage.

Councilor McInturff asked why not stop the two way traffic at Commercial. Mr. Eisenach stated if the two way traffic starts at Oaks, it will allow trucks to gain access to southbound Cameron without going to Loudoun and back.

President Buettner asked the citizens present at the meeting if they had a preference.

A business owner in the area stated it was the first time he had heard of keeping it one way from Oaks down. He believes a study by a professional traffic engineer needs to be done on this intersection to give the City alternatives.

Another business owner stated he has been on the corner for 33 years. His main concern is the safety issue. He sees people going the wrong way every day. He believes making all of Cameron two way was a good decision but sees installing a traffic light as the only option.

A resident in the area stated he has lived on Pennsylvania Avenue for 44 years and is concerned about the increase in traffic in the residential section.

President Buettner asked what a traffic study would cost. Mr. Eisenach stated it would be $25 – 30,000.00.

Councilor Willingham moved to sent option 3 forward to Council. The motion was seconded by Mayor Minor.

Vice-President Major asked when a decision needed by be made. Mr. Eisenach the project is still on schedule to complete by Thanksgiving. It would be difficult to put in a signal by that deadline so staff would have to put off the two way traffic for a while.

Vice-President Major asked if staff would get the word out about the new proposal and get a cost for a full traffic study.

President Buettner stated he would like to get a cost for a long term solution.

Mayor Minor asked how many accidents have occurred at the intersection. Mr. Eisenach stated he looked at the last 5 year accident data and was surprised not that many. It was not enough to warrant a signal.

President Buettner moved to amend the motion to include an RFP for a traffic study. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

The motion to send option 3 forward as amended passed 7/2 with Vice-Mayor Butler and Vice-President Major voting in the negative.

- Discussion of the closure of alleyway on Braddock Street – Perry Eisenach, Utilities Director

  Mr. Eisenach stated this issue came up very quickly regarding the very narrow alleyway that comes out onto Braddock Street. The property owners adjacent to the alley are concerned about the safety of the pedestrians and people hitting their buildings with vehicles because the alley is so narrow. It is the opinion of staff that it is a real safety hazard and will be a larger hazard with two way traffic on Braddock. The recommendation is to close the alleyway but to also make an all way stop on Indian Alley to make the exit safer.

  Councilor Clark moved to send the recommendation forward to Council. The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.

- Discussion of an appeal on the denial for tree removal – Robert Noe, Interim City Manager

  Mr. Noe provided a brief summary of the appeal. He stated after meeting with the property owner and the City Arborist, he proposed a compromise that the tree can be removed at the property owner's expense. The Tree Commission did not agree to that compromise.

Ms. Paul Thomson stated they would like to remove the tree and plant two more trees further out on the property.

Councilor Willingham moved to accept Mr. Noe's recommendation for compromise and to send it forward to Council. The motion was seconded by Vice-Mayor Butler.

Mr. Williams stated the City Manager, after consultation with the committee, could overturn his decision instead of sending this forward to Council.

President Buettner stated once the motion was complete, if Mr. Noe wants to read something into it, he certainly has the ability to make that decision anytime he so chooses.

Councilor McInturff stated from serving on the Tree Commission, one of the things they would try to use as a guideline in allowing for property owners to remove the tree at their expense was the unfairness of other citizens who couldn't afford to have trees removed. If in fact, there is not enough room for a wheelchair to get by and it is causing public concern, the City should remove it.

The motion to send the recommendation forward to Council was unanimously approved by voice-vote.

Other Items

- Pending appointments to Boards and Commissions

  No nominations were presented.

- MOTION TO CONVENE IN EXECUTIVE SESSION FOR DISCUSSION OF REAL ESTATE WHERE PUBLIC DISCUSSION WOULD ADVERSELY AFFECT THE NEGOTIATING STRATEGY AS DESCRIBED IN §2.2-3711(A)(3) OF THE CODE OF VIRGINIA

  Councilor McInturff moved to convene into executive session for the discussion of real estate pursuant to §2.2-3711(A)(3) and for the discussion of personnel matters pursuant to §2.2-3711(A)(1). *The motion was seconded and unanimously approved by voice-vote.*

  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:

MEMBER	VOTE
Vice-Mayor Butler	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Aye
Councilor McInturff	Aye
Mayor Minor	Aye
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Aye

Adjourn

With no further business to discuss, the meeting adjourned at 8:23 p.m.