

WINCHESTER COMMON COUNCIL
MAY 13, 2014
AGENDA
7:00 P.M.

CALL TO ORDER AND ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – March 25, 2014 Work Session, April 8, 2014 Regular Meeting, April 15, 2014 Special Meeting, April 15, 2014 Work Session, April 22, 2014 Work Session, April 22, 2014 Special Meeting, and May 6, 2014 Special Meeting

REPORT OF THE MAYOR

R-2014-13: Resolution – Honor the retirement of Battalion Chief Kevin M. Yost (page 5)

R-2014-22: Resolution – Recognition of National Emergency Medical Services Week (page 6)

REPORT OF THE CITY MANAGER

REPORT OF THE CITY ATTORNEY

1.0 PUBLIC HEARINGS

- 1.1 O-2014-09:** Public Hearing – AN ORDINANCE TO CONDITIONALLY VACATE A PORTION OF S. INDIAN ALLEY RIGHT-OF-WAY ADJOINING THE PROPOSED SHENANDOAH VALLEY DISCOVERY MUSEUM AT 19 W. CORK STREET AND CONDITIONALLY CONVEY IT TO THE SHENANDOAH VALLEY DISCOVERY MUSEUM (**PUBLIC HEARING ONLY**)(pages 7-9)
- 1.2 O-2014-07:** Second Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 25-17 AND 18-1 OF THE WINCHESTER CITY CODE TO ELIMINATE FORMALLY APPOINTED COUNCIL LIAISONS FROM THESE AND OTHER COUNCIL APPOINTED BOARDS AND COMMISSIONS (**REQUIRES ROLL-CALL VOTE**)(pages 10-13)
- 1.3 O-2014-10:** Second Reading – AN ORDINANCE AMENDING ARTICLE 14.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO FLOODPLAIN REGULATIONS (**REQUIRES ROLL-CALL VOTE**)(pages 14-38)

- 1.4 **CU-14-143:** Conditional Use Permit – Request of Ryan Hoover dba Vintage Bavarian LLC for a conditional use permit for auto service use at 24-26 West Hart Street (*Map Number 212-01-M-2*) zoned Central Business (B-1) District (pages 39-43)
- 1.5 **R-2014-18:** Resolution – Approval of the Annual Action Plan for the use of CDBG and HOME Allocation for FY15 (pages 44-81)
- 1.6 **R-2014-19:** Resolution – Approval of an amendment to the 2013-2017 Consolidated Plan (pages 82-84)
- 1.7 **Public Hearing:** Re-appointment of Erica Truban as an “At-Large (Ward 4)” member and Vince Di Benedetto as a “Ward 2” member of the Winchester School Board each to serve a four year term ending June 30, 2018

2.0 PUBLIC COMMENTS

3.0 CONSENT AGENDA

- 3.1 **O-2013-40:** First Reading – AN ORDINANCE TO AMEND AND RE-ENACT CHAPTER 9 OF THE WINCHESTER CITY CODE PERTAINING TO WATER PROTECTION (*Implementation of applicable provisions of the Virginia Stormwater Management Plan*)(pages 85-156)
- 3.2 **O-2014-11:** First Reading – AN ORDINANCE TO AMEND CHAPTER 11 OF THE WINCHESTER CITY CODE BY ADDING A NEW SECTION, 11-24.1, THAT ESTABLISHES A FEE FOR GARBAGE AND REFUSE COLLECTION (pages 157-161)
- 3.3 **O-2014-12:** First Reading – AN ORDINANCE TO AUTHORIZE THE ADDITIONAL APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2014 (pages 162-171)
- 3.4 **O-2014-15:** First Reading – AN ORDINANCE TO APPROVE THE APPLICATION OF THE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS OF WINCHESTER, FREDERICK AND CLARKE COUNTIES FOR TAX EXEMPT STATUS BY DESIGNATION PURSUANT TO CHAPTER 27 DIVISION 5 OF CODE OF THE CITY OF WINCHESTER (pages 172-180)
- 3.5 **O-2014-14:** First Reading – AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 6, 7, 8, 9, 10, 13, 15.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS, PERMITTED USES, AND USES REQUIRING A CONDITIONAL USE PERMIT FOR ALTERNATIVE FINANCIAL INSTITUTIONS **TA-14-118** (pages 181-189)

- 3.6 O-2014-13:** First Reading – AN ORDINANCE TO AMEND ARTICLES 1 AND 13 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO THE DEFINITION OF MEDICAL CARE FACILITY AND PERMITTED USES IN THE PLANNED COMMERCIAL (PC) DISTRICT **TA-14-120** (pages 190-196)
- 3.7 O-2014-16:** First Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 14-17 AND 14-18 OF THE CODE OF THE CITY OF WINCHESTER REGARDING VEHICLE LICENSE FEES (pages 197-200)
- 3.8 O-2014-17:** First Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-72 OF THE CODE OF THE CITY OF WINCHESTER REGARDING MEALS TAX LEVY AND RATE (page 201)
- 3.9 O-2014-18:** First Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-91 OF THE CODE OF THE CITY OF WINCHESTER REGARDING TRANSIENT LODGING TAX LEVY AND RATE (page 202)
- 3.10 O-2014-19:** First Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-171 OF THE CODE OF THE CITY OF WINCHESTER REGARDING LEVY OF CIGARETTE TAXES (page 203)
- 3.11 R-2014-15:** Resolution – Approval of a refund in the amount of \$70,691.37 to Melco, Inc. for erroneously assessed Real Estate Taxes (pages 204-214)
- 3.12 R-2014-16:** Resolution – Approval to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the Winchester Transit (pages 215-218)
- 3.13 R-2014-17:** Resolution – Approval to execute and file an application to the Virginia Department of Rail and Public Transportation for a grant of financial assistance (pages 219-220)
- 3.14** Motion to direct the Clerk of Council to prepare Certificates of Appreciation for Dan Martin, John Marker, and Sue Robinson for their service on the Winchester-Frederick County Tourism Board
- 3.15** Announce the term expiration of Robbie Marchant as a member of the Board of Zoning Appeals effective July 31, 2014. Ms. Marchant is eligible for re-appointment.

4.0 AGENDA

- 4.1 O-2014-08:** Second Reading – AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF PROPERTIES NECESSARY FOR THE REALIGNMENT OF NATIONAL AVENUE GATEWAY IMPROVEMENT PROJECT BY MEANS INCLUDING BUT NOT LIMITED TO CONDEMNATION AND ACCEPTANCE BY THE CITY OF SAID PROPERTY (*Public Hearing Closed*)

and Item Tabled at April 8, 2014 Regular Meeting)(**REQUIRES ROLL-CALL VOTE**)(pages 221-226)

- 4.2 O-2014-20:** First Reading – AN ORDINANCE TO AUTHORIZE THE APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2015 (pages 227-268)
- 4.3 R-2014-06:** Resolution – Adoption of the 2014 Strategic Plan Leadership Guide (pages 269-273)
- 4.4 R-2014-14:** Resolution – Adoption of the 2014 Strategic Plan Governance Guide (pages 274-442)

5.0 EXECUTIVE SESSION

- 5.1 MOTION TO CONVENE IN EXECUTIVE SESSION 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, AND APPOINTMENT OF SPECIFIC PUBLIC OFFICERS APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER INCLUDING BUT NOT LIMITED TO THE APPOINTMENT OF MEMBERS OF COUNCIL APPOINTED BOARDS AND COMMISSIONS AND PURSUANT TO SECTION 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 AND MATTERS OF ACTUAL OR PROBABLE LITIGATION.**

6.0 ADJOURNMENT



THE COMMON COUNCIL

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

I, Kari J. Van Diest, Deputy Clerk of the Common Council, hereby certify on this 13th day of May 2014 that the following Resolution is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the 13th day of May 2014.

RESOLUTION

WHEREAS, Kevin M. Yost has reliably served the City of Winchester Fire and Rescue Department, achieving the rank of Battalion Chief, from August 1988, until his retirement April 2014; and

WHEREAS, Kevin performed a commendable service to the City by responding to countless fire, hazmat and emergency medical service calls; and

WHEREAS, Kevin's extensive knowledge of his profession was invaluable in training and growing those around him; and

WHEREAS, Kevin received numerous letters of commendation and words of thanks during his career, due in large part to the high level of professionalism and care he has shown towards citizens; and

WHEREAS, Kevin was one of our Hazmat Officers and the point of contact for all department communication equipment; and

WHEREAS, Kevin's dedication and professionalism will be sorely missed by City employees, elected officials, and the citizens he served.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Winchester, on behalf of the citizens they represent, hereby records their appreciation to Kevin M. Yost for his exemplary service to the City and wishes him happiness, good health, and many years of hunting; and

BE IT FURTHER RESOLVED that the Clerk of Council is hereby directed to prepare an attested copy of this resolution for presentation to Kevin M. Yost.

Resolution No. 2014-13.

ADOPTED by the Common Council of the City of Winchester on the 13th day of May 2014.

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

*Kari J. Van Diest, CMC
Deputy Clerk of the Common Council*

I, Kari J. Van Diest, Deputy Clerk of the Common Council, hereby certify on this ___ day of _____ 2014, that the following Resolution is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the ___ day of _____ 2014.

National Emergency Medical Services Week Resolution

To designate the Week of May 18-24, 2014, as National Emergency Medical Services Week

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of Winchester Fire and Rescue Department are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

NOW THEREFORE, the Common Council of the City of Winchester, in recognition of this event do hereby proclaim the week of May 18-24, 2014, as **EMERGENCY MEDICAL SERVICES WEEK** with the theme of, "EMS: Dedicated for Life." We encourage the community to observe this week with appropriate programs, ceremonies and activities.

Resolution No. 2014- _____

ADOPTED by the Common Council of the City of Winchester on this ___ day of _____, 2014.

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

*Kari J. Van Diest
Deputy Clerk of the Common Council*

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 5 /13/14 (regular mtg)

CUT OFF DATE: 5/8/14

RESOLUTION __ ORDINANCE X PUBLIC HEARING

ITEM TITLE:

SV-14- 94 AN ORDINANCE TO CONDITIONALLY VACATE A PORTION OF S. INDIAN ALLEY RIGHT-OF-WAY ADJOINING THE PROPOSED SHENANDOAH VALLEY DISCOVERY MUSEUM AT 19 W. CORK STREET AND CONDITIONALLY CONVEY IT TO THE SHENANDOAH VALLEY DISCOVERY MUSEUM

STAFF RECOMMENDATION:

Staff recommended proceeding with the public hearing on this ordinance and working with the Discovery Museum to prepare an Agreement that would stipulate terms and conditions. The applicant has now withdrawn the application due to proposed restrictions upon use of the area.

PUBLIC NOTICE AND HEARING:

5/13/14 Regular Council meeting

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval

FUNDING DATA: Expenses would be covered by the Discovery Museum

INSURANCE: Conditional conveyance of the land eliminates liability that the City would have as owner of the land.

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> | | 5/8/2014 |
| 2. City Manager | <i>[Signature]</i> | | 5-8-14 |
| 3. Clerk of Council | <i>[Signature]</i> | | 5-8-14 |
| Initiating Department Director's Signature: (Planning) | <i>[Signature]</i> | | 5/8/14 |



APPROVED AS TO FORM:

[Signature] 5/8/2014
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
From: Tim Youmans, Planning Director
Date: May 8, 2014
Re: SV-14-94 Public Hearing- S. Indian Alley Vacation & Conveyance

THE ISSUE:

The Shenandoah Valley Discovery Museum had proposed to make revisions to the intersection of Indian Alley and W. Cork Street beside their proposed museum. The revisions were intended to improve pedestrian safety and create a small outdoor pad area. A small portion of Indian Alley would be vacated and conveyed for this.

RELATIONSHIP TO STRATEGIC PLAN:

Goal #3- Continued Revitalization of Historic Old Town

Goal #1- Grow the Economy (Objective#1: *More Tourists coming to experience Winchester*)

BACKGROUND:

The City received a request from representatives of the Discovery Museum to make adjustments to the blind intersection at the NE corner of the proposed Discovery Museum where Indian Alley approaches W. Cork St from the south. The request was outlined in an undated proposal titled: "Proposal for Indian Alley and Sidewalk, 19 W. Cork Street." Mr. Phil Glaize will make a presentation on behalf of the Discovery Museum.

In a 5-8-14 letter to City Manager Dale Iman, Mr. Phil Glaize has withdrawn the request on behalf of the Discovery Museum.

BUDGET IMPACT:

None, other than possible revenue loss to WPA from removal of one or more metered curbside parking spaces if removed along W. Cork St. to provide bus standing.

OPTIONS:

- 1) Accept the withdrawal of the request and remove public hearing from the agenda.

RECOMMENDATIONS:

Staff recommends accepting the withdrawal of the request.

Kari Van Diest

From: Phil Glaize [glzapple@visuallink.com]
Sent: Thursday, May 08, 2014 11:37 AM
To: Dale Iman
Cc: Timothy Youmans; Kari Van Diest; Mary Braun
Subject: Abandonment of SVDM request to vacate ROW south Indian Alley/Cork St.

Dear Dale,

After much consideration, the Discovery Museum has decided not to pursue the vacation of the Indian Alley ROW and the easement for the small portion of parking lot next to the museum. There are two conditions tied to the current proposal that make it unreasonable for SVDM. Since use of the vacated space is so restricted in the agreement with the city, it does not make sense for the museum to take on the expense of creating and maintaining it. The agreement also requires permission from the Parking Authority for the city to grant the easement. The chairman of the authority tells me they have already said no three times, and will say no again. The museum cannot afford to even begin design on something that won't fly.

However, the museum wants to continue with its requests for a bus unloading area on the south side of Cork Street and the striping of a crosswalk across Cork Street. What do we need to do follow through with these requests? Additionally, the museum is supportive of the rerouting of traffic into the parking lot where it is already occurring. If this is something the city will want to do, please let me know. We need to asphalt about a 10 inch wide strip next to the building for drainage purposes and don't want to do that if there will be a move soon to redo that area.

I look forward to taking care of these issues. Please let me know what SVDM needs to do next.

As always, thank you for your continued support to help the museum locate in downtown Winchester.

Regards,
Phil Glaize

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: 04/08/2014 CUT OFF DATE: 03/13/2014

RESOLUTION ORDINANCE X PUBLIC HEARING X

ITEM TITLE: AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 25-17 AND 18-1 OF THE WINCHESTER CITY CODE TO ELIMINATE FORMALLY APPOINTED COUNCIL LIAISONS FROM THESE AND OTHER COUNCIL APPOINTED BOARDS AND COMMISSIONS.

STAFF RECOMMENDATION: This has been prepared by the City Attorney at the request of Common Council.

PUBLIC NOTICE AND HEARING: Required

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: N/A

INSURANCE: N/A

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

| <u>DEPARTMENT</u> | <u>INITIALS FOR APPROVAL</u> | <u>INITIALS FOR DISAPPROVAL</u> | <u>DATE</u> |
|---------------------------------------------------|------------------------------|---------------------------------|------------------|
| 1. _____ | _____ | _____ | _____ |
| 2. _____ | _____ | _____ | _____ |
| 3. _____ | _____ | _____ | _____ |
| 4. _____ | _____ | _____ | _____ |
| 5. City Attorney | <i>aw</i> | _____ | <i>3/12/2014</i> |
| 6. City Manager | <i>[Signature]</i> | _____ | <i>3-13-14</i> |
| 7. Clerk of Council | <i>[Signature]</i> | _____ | <i>3-13-14</i> |
| Initiating Department Director's Signature: _____ | [REQUESTED BY COUNCIL] | <i>aw</i> | <i>3/12/2014</i> |
| | | | Date |



APPROVED AS TO FORM:

[Signature] *3/12/2014*
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Members of Common Council

From: Anthony C. Williams, City Attorney

Date: March 12, 2014

RE: AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 25-17 AND 18-1 OF THE WINCHESTER CITY CODE TO ELIMINATE FORMALLY APPOINTED COUNCIL LIAISONS FROM THESE AND OTHER COUNCIL APPOINTED BOARDS AND COMMISSIONS.

THE ISSUE: Elimination of Council Liaison positions on Council Appointed Boards and Commissions in order to foster the relationship between the Staff Liaison and their respective Boards and Commissions and allow Staff Liaisons to take a more active role with Council by providing the updates and reports to Council on the activities of these various entities.

RELATIONSHIP TO STRATEGIC PLAN: Goal 2— Develop High Performing Organization

BACKGROUND: The City currently has more than thirty-five (35) Council-appointed Boards and Commissions serving the City of Winchester. Over the years, Common Council and/or the President of Common Council have appointed individual members of the governing body to serve as “Council Liaisons” to certain Council-appointed Boards and Commissions to update Council and report on the activities of these various entities. Most, if not all of these Boards and Commissions also have an individually assigned “Staff Liaison” who is an employee of the City who has been assigned by the City Manager to work with these various entities. In making efforts to pursue Council’s goal of developing a high performing Organization, Council has expressed a wish to consider the elimination of Council Liaison positions in order to foster the relationship between the Staff Liaison and their respective Boards and Commissions and allow Staff Liaisons to take a more active role with Council by providing the updates and reports to Council on the activities of these various entities. Effectuating this effort will require amendment of certain provisions of the Winchester City Code as provided for in this Agenda Package.

BUDGET IMPACT: No additional fiscal impact.

OPTIONS: Adopt, reject, or modify Ordinance.

RECOMMENDATIONS: Ordinance has been prepared at request of Common Council.

AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 25-17 AND 18-1 OF THE WINCHESTER CITY CODE TO ELIMINATE FORMALLY APPOINTED COUNCIL LIAISONS FROM THESE AND OTHER COUNCIL APPOINTED BOARDS AND COMMISSIONS

WHEREAS, the City currently has more than thirty-five (35) Council-appointed Boards and Commissions serving the City of Winchester, and

WHEREAS, Common Council and/or the President of Common Council have previously appointed individual members of the governing body to serve as “Council Liaisons” to certain Council-appointed Boards and Commissions to update Council and report on the activities of these various entities; and

WHEREAS, most, if not all of these Boards and Commissions also have an individually assigned “Staff Liaison” who is an employee of the City who has been assigned by the City Manager to work with these various entities; and

WHEREAS, it is the wish of Common Council to foster the relationship between the Staff Liaison and their respective Boards and Commissions and allow Staff Liaisons to provide the updates and reports to Council on the activities of these various entities; and

WHEREAS, effectuating this effort will require amendment of certain provisions of the Winchester City Code.

NOW therefore be it ORDAINED that the “Council Liaisons” are hereby removed and eliminated from the following Boards and Commissions and that the City Manager is hereby directed to appoint “Staff Liaisons” for each of the following Boards and Commissions or ensure that such positions have been appointed in accordance with the law, and that such reporting requirements as may be required by Council shall be fulfilled at its discretion for these respective Boards and Commissions by the appointed Staff Liaisons following the adoption of this Ordinance:

- COMMUNITY CRIMINAL JUSTICE BOARD
- COMMUNITY DEVELOPMENT COMMITTEE
- FREDERICK WINCHESTER SERVICE AUTHORITY
- OLD DOMINION ASAP BOARD
- WINCHESTER PARKING AUTHORITY
- LOCAL EMERGENCY PLANNING COMMITTEE
- OLD TOWN DEVELOPMENT BOARD
- OPERATION CLEAN
- PARKS AND RECREATION BOARD
- WINCHESTER TRANSPORTATION SAFETY COMMITTEE

BE IT FURTHER ORDAINED that the following provisions are hereby amended and re-adopted as follows:

SECTION 25-17. COMPOSITION; APPOINTMENT; TERM.

The Old Town Development Board shall consist of eleven (11) members as follows: Six (6) members shall own property or operate a business within the area subject to local assessment of local improvement under this chapter (3 year term). Three (3) members shall be at-large (3 year term) and shall be residents of the City. One (1) member shall own property or operate a business within the area subject to local assessment of local improvement under this chapter and/or represent a business within the City (3 year term).

One (1) member recommended by the President of Shenandoah University who shall serve in such capacity during the term of holding such office, without re-appointment.

~~*Additionally, the President of Common Council shall annually appoint a Council Member to serve as a liaison to the Old Town Development Board. The liaison shall not be considered a voting member of the Old Town Development Board, but shall be included in any open or closed meeting of the Board and shall be permitted to participate in any discussion in order to foster an ongoing harmonious relationship between the Old Town Development Board and Common Council.*~~

The Downtown Manager, who shall fully report to the City Manager, shall serve as the primary staff liaison to the Old Town Development Board.

SECTION 18-1. PARKS AND RECREATION ADVISORY BOARD.

There is hereby created a Parks and Recreation Advisory Board for the City. This Board shall be composed of:

~~*1. Nine (9) members of the Board shall be appointed by the Common Council for terms of three (3) years each. The members of the Board appointed under the prior City Code chapter shall complete their terms as initial terms. Thereafter, all appointments shall be for terms of three years with no more than two consecutive terms. Past Parks & Recreation Board members who have fulfilled their two consecutive term limit may be considered by the Common Council or a new appointment no sooner than three (3) years after their last expired term.*~~

~~*2. One (1) non-voting Council liaison shall be appointed by the President of the Common Council.*~~

This ORDINANCE shall be effective upon adoption and shall supersede and replace previously adopted Resolutions and Ordinances relating to the appointment of "Council Liaisons" for the Boards and Commissions specifically identified in this Ordinance.

0-2014-10

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 3/25/14 (Work Session), **CUT OFF DATE:** 3/19/14
4/8/14 (First Reading) 5/13/14 (Second Reading/Public Hearing)

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

ITEM TITLE:
TA-14-33 AN ORDINANCE AMENDING ARTICLE 14.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO FLOODPLAIN REGULATIONS *(Proposal establishes additional definitions and identifies the floodplain administrator and her assigned duties and responsibilities)*

STAFF RECOMMENDATION:
Approval.

PUBLIC NOTICE AND HEARING:
Public hearing required at second reading on 5/13/14.

ADVISORY BOARD RECOMMENDATION:
Planning Commission unanimously recommended approval.

FUNDING DATA: N/A

INSURANCE: N/A

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

| <u>DEPARTMENT</u> | <u>INITIALS FOR APPROVAL</u> | <u>INITIALS FOR DISAPPROVAL</u> | <u>DATE</u> |
|---------------------|------------------------------|---------------------------------|-----------------------------|
| 1. Planning | <u>[Signature]</u> | <u> </u> | <u>3/19/14</u> |
| 2. City Attorney | <u>[Signature]</u> | <u> </u> | <u> </u> |
| 3. City Manager | <u>[Signature]</u> | <u> </u> | <u>3-20-14</u> |
| 4. Clerk of Council | <u>[Signature]</u> | <u> </u> | <u>3-20-14</u> |

Initiating Department Director's Signature: [Signature] 3/19/14
(Zoning and Inspections)



CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 3/25/14 (Work Session), **CUT OFF DATE:** 3/19/14
4/8/14 (First Reading) 5/13/14 (Second Reading/Public Hearing)

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

ITEM TITLE:

TA-14-33 AN ORDINANCE AMENDING ARTICLE 14.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO FLOODPLAIN REGULATIONS (*Proposal establishes additional definitions and identifies the floodplain administrator and her assigned duties and responsibilities*)

STAFF RECOMMENDATION:

Approval.

PUBLIC NOTICE AND HEARING:

Public hearing required at second reading on 5/13/14.

ADVISORY BOARD RECOMMENDATION:

Planning Commission unanimously recommended approval.

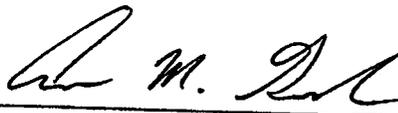
FUNDING DATA: N/A

INSURANCE: N/A

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

| <u>DEPARTMENT</u> | <u>INITIALS FOR APPROVAL</u> | <u>INITIALS FOR DISAPPROVAL</u> | <u>DATE</u> |
|---------------------|-------------------------------------------------------------------------------------|---------------------------------|-------------|
| 1. Planning |  | | 3/19/14 |
| 2. City Attorney | | | 03202014 |
| 3. City Manager | | | |
| 4. Clerk of Council | | | |

Initiating Department Director's Signature:
(Zoning and Inspections)



3/19/14



APPROVED AS TO FORM:



CITY ATTORNEY

03202014

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Aaron Grisdale, Director of Zoning and Inspections *AMG*
Date: March 25, 2014
Re: Zoning Text Amendment (TA-14-33) – Floodplain Provisions

THE ISSUE:

The proposed Zoning Ordinance text amendment will modify the existing Zoning Ordinance language pertaining to floodplain provisions, incorporating recommendations from the Department of Conservation and Recreation (DCR) following a Community Assistance Visit (CAV) in August 2013.

RELATIONSHIP TO STRATEGIC PLAN:

This text amendment correlates to the 2018 Goal #4 of "Create a More Livable City For All" by providing additional information for possible development on properties within flood hazard areas.

BACKGROUND:

This publicly sponsored Zoning Ordinance text amendment serves to refine our existing Floodplain Regulations in the Zoning Ordinance, upon recommendation from a representative with DCR following a Community Assistance Visit in August 2013. The majority of existing standards are not changing with this proposal. There are four areas where adjustments and clarifications will be made:

- The inclusion of the enabling authority for the Floodplain Ordinance (Section 14.1-1)
- Additional definitions for terms used in Article 14.1 (14.1-7-11 through 14.1-7-16)
- Clarifying information about the designation and duties of the Floodplain Administrator (14.1-8 through 14.1-9)
- Clarifying an ordinance reference (14.1-15-6) to an earlier section of the floodplain ordinance.

The proposed language codifies the existing duties and practices of the City into the Zoning Ordinance to ensure continuity for the future as well as provide guidance to citizens, developers and businesses for proposed work in the established floodplain districts. (Full staff report attached).

BUDGET IMPACT:

No funding is required.

OPTIONS:

- Adopt the Zoning Ordinance Text Amendment
- Decline to adopt the Zoning Ordinance Text Amendment

RECOMMENDATIONS:

The Planning Commission recommended approved unanimously.

**TA-14-33 AN ORDINANCE AMENDING ARTICLE 14.1 OF THE WINCHESTER ZONING ORDINANCE
PERTAINING TO FLOODPLAIN REGULATIONS**

REQUEST DESCRIPTION

This is a publicly sponsored text amendment pertaining to revisions to the City's existing floodplain provisions. The proposed changes involve additional language that was recommended by the Virginia Department of Conservation and Recreation following a site visit and discussion involving the City's existing regulations and procedures.

STAFF COMMENTS

The Floodplain provisions were originally adopted in October 1999, and subsequently amended in 2009. In August 2013, City Staff, including the Public Services Director, City Engineer, Zoning and Inspections Director and Building Official met with a representative of the Department of Conservation and Recreation in order to review and discuss the City's floodplain regulations and procedures. Following this community assistance visit, the DCR representative recommended a few minor adjustments to the City's Zoning Ordinance. The recommended areas of change include the following:

- The inclusion of the enabling authority for the Floodplain Ordinance (14.1-1)
- Additional definitions for terms used in Article 14.1 (14.1-7-11 through 14.1-7-16)
- Clarifying information about the designation and duties of the Floodplain Administrator (14.1-8 through 14.1-9)
- Clarifying an ordinance reference (14.1-15-6) to an earlier section of the floodplain ordinance.

The bulk of this proposed amendment involves clarifying the appointment and duties of the Floodplain Administrator: the City Engineer. Presently the Zoning and Inspections, Planning and Engineering departments work closely on projects that involve work or rehabilitation in the floodplain. The proposed language codifies the existing duties and practices of the City into the Zoning Ordinance to ensure continuity for the future as well as provide guidance to citizens, developers and businesses for proposed work in the established floodplain districts.

RECOMMENDATION

At their March 18, 2014 meeting, the Planning Commission forwarded **TA-14-33** with a favorable recommendation because the amendment, as proposed, presents good planning practice by providing clear local ordinances for development and redevelopment within established floodplain districts in order to meet the requirements of FEMA and the National Flood Insurance Program.

AN ORDINANCE AMENDING ARTICLE 14.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO
FLOODPLAIN REGULATIONS

TA-14-33

WHEREAS, the Federal Emergency Management Administration, hereinafter "FEMA," prescribes certain requirements for Floodplain District Ordinances; and,

WHEREAS, Section 14.1 of the Winchester Zoning Ordinance, containing provisions of the City's Floodplain districts, was adopted by Council on October 13, 1999, and further amended on September 1, 2009; and,

WHEREAS, necessary changes have been identified by the Virginia Department of Conservation and Recreation of the City's existing Floodplain ordinance; and,

WHEREAS, the Zoning Ordinance provides floodplain standards in order to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and impairment of the tax base; and,

WHEREAS, it is the interest of the City to necessitate these changes in order to best meet the requirements of FEMA and the National Flood Insurance Program; and,

WHEREAS, the Planning Commission has considered the aforesaid amendment and, at its meeting of March 18, 2014, forwarded TA-14-33 to City Council recommending approval because the amendment presents good planning practice by providing clear local ordinances for development and redevelopment within established floodplain districts in order to meet the requirements of FEMA and the National Flood Insurance Program; and,

WHEREAS, a synopsis of this Ordinance has been duly advertised and a Public Hearing has been conducted by the Common Council of the City of Winchester, Virginia, all as required by the Code of Virginia, 1950, as amended, and the said Council has determined that the amendment represents good planning practice.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Winchester, Virginia, that the Winchester Zoning Ordinance of 1976, as amended, be further amended to read as follows:

AN ORDINANCE AMENDING ARTICLE 14.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO
FLOODPLAIN REGULATIONS

TA 14-33

Draft 1 – (1/14/2014)

*Ed. Note: The following text represents an excerpt of Article 14.2 of the Zoning Ordinance that is subject to change. Words with strikethrough are proposed for repeal. Words that are **boldfaced and underlined** are proposed for enactment. Existing ordinance language that is not included here is not implied to be repealed simply due to the fact that it is omitted from this excerpted text.*

ARTICLE 14.1

FLOODPLAIN DISTRICTS - FP

STATEMENT OF INTENT

The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
- B. Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding.
- C. Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or floodproofed against flooding and flood damage.
- D. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

14.1-1 **STATUTORY AUTHORIZATION AND PURPOSE**

This ordinance is adopted pursuant to the authority granted to localities by Va. Code § 15.2 - 2280.

14.1-2 **APPLICABILITY**

These provisions shall apply to all lands within the jurisdiction of the City and identified as being in the 100-year floodplain by the Federal Insurance Administration.

14.1-3 COMPLIANCE AND LIABILITY

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damages.
- C. This ordinance shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
- D. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Program Administrator.

14.1-4 PENALTY FOR VIOLATIONS

Any person who fails to comply with any of the requirements or provisions of this article or directions of the Program Administrator or any authorized employee of the City of Winchester shall be subject to the penalties therefor.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the City of Winchester to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

14.1-5 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

14.1-6 ABROGATION AND GREATER RESTRICTIONS

This ordinance supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this ordinance.

14.1-7 DEFINITIONS

- 14.1-7-1 Base Flood/One-Hundred Year Flood - A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).
- 14.1-7-2 Base Flood Elevation (BFE) - The Federal Insurance Administration designated 100 year water surface elevation.
- 14.1-7-3 Basement – (For purposes of this Article...) Any area of the building having its floor sub-grade (below ground level) on all sides.
- 14.1-7-4 Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- 14.1-7-5 Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).
- 14.1-7-6 Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- 14.1-7-7 Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- 14.1-7-8 Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

- 14.1-7-9 Flood or flooding -
1. A general or temporary condition of partial or complete inundation of normally dry land areas from
 - a. the overflow of inland or tidal waters; or,
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
 2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
 3. Mudflows which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- 14.1-7-10 Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community
- 14.1-7-11 Flood Insurance Study (FIS) – a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
- 14.1-7-12 Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
- 14.1-7-13 Flood proofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- 14.1-7-14 Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- 14.1-7-15 Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

14.1-7-16 **Highest adjacent grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.**

14.1-7-17 **Historic structure** - Any structure that is

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
 - a. by an approved state program as determined by the Secretary of the Interior; or,
 - b. directly by the Secretary of the Interior in states without approved programs.

14.1-7-18 **Lowest Floor** - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

14.1-7-19 **Manufactured home** - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

14.1-7-20 **Manufactured home park or subdivision** - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

- 14.1-7-21** New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- 14.1-7-22** Recreational vehicle - A vehicle which is
1. built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projection;
 3. designed to be self-propelled or permanently towable by a light duty truck; and,
 4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- 14.1-7-23** Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section 14.1-6 of this ordinance.
- 14.1-7-24** Start of construction - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- 14.1-7-25** Structure - for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "Structure" for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

14.1-7-26 Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

14.1-7-27 Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

14.1-7-28 Violation - the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sec. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

14.1-7-29 Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

14.1-8 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The City Engineer is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- A. Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the City of Winchester chief executive officer.**
- B. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.**
- C. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.**

14.1-9 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. **Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).**
- B. **Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.**
- C. **Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.**
- D. **Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.**
- E. **Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.**
- F. **Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).**
- G. **Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.**
- H. **Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.**
- I. **Review Elevation Certificates and require incomplete or deficient certificates to be corrected.**
- J. **Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the (community), within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.**

- K. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
1. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
 2. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- L. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- M. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- N. Administer the requirements related to proposed work on existing buildings:
1. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 2. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- O. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
- P. Notify the Federal Emergency Management Agency when the corporate boundaries of the (community) have been modified and:
1. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and

2. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- Q. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- R. It is the duty of the Community Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

14.1-10 DESCRIPTION OF DISTRICTS

14.1-10-1 Basis of Districts

The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps for the City of Winchester prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated September 2, 2009, as amended.

1. The Floodway District is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one hundred (100)-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 2 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map.
2. The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, the one hundred (100)-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100)-year flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and

hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the City.

3. The Special Floodplain District shall be those areas identified as an AE Zone on the maps accompanying the Flood Insurance Study for which one hundred (100)-year flood elevations have been provided.

14.1-10-2 Overlay Concept

1. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
2. Any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
3. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

14.1-11 OFFICIAL ZONING MAP

The boundaries of the Floodplain Districts are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the City.

14.1-12 DISTRICT BOUNDARY CHANGES

The delineation of any of the Floodplain Districts may be revised by the Governing Body where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

14.1-13 SUBMITTING TECHNICAL DATA

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

14.1-14 INTERPRETATION OF DISTRICT BOUNDARIES

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

14.1-15 GENERAL PROVISIONS

14.1-15-1 Permit Requirement

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and the City Land Subdivision Regulations. Prior to the issuance of any such permit, the Administrator shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.

14.1-15-2 Alteration or Relocation of Watercourse

Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administration.

14.1-15-3 General Standards

In all special flood hazard areas the following provisions shall apply:

- a) New construction and substantial improvements shall be according to the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

- c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- e) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.
- j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.
- k) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administration.
- l) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

14.1-~~15~~-4 Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

14.1-~~15~~-5 Site Plans and Permit Applications

All applications for development in the floodplain district and all building permits issued for the floodplain shall incorporate the following information:

1. For structures to be elevated, the elevation of the lowest floor (including basement).
2. For structures to be floodproofed (non-residential only), the elevation to which the structure will be floodproofed.
3. The elevation of the one hundred (100)-year flood.
4. Topographic information showing existing and proposed ground elevations.

14.1-~~15~~-6 Specific Standards

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according to Article 14.1, Section 14.1-10-1.2, the following provisions shall apply:

a) Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than 1 foot above the base flood elevation.

b) Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than 1 foot above the base flood elevation. Buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.

c) Elevated Buildings

Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. include, in Zones AE and A, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

14.1-15-7 Manufactured Homes and Recreational Vehicles

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction.
2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has not incurred substantial damage as the result of a flood shall be elevated so that either
 - a. the lowest floor of the manufactured home is elevated no lower than 3 feet above the base flood elevation; or
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade
 - c. and be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
3. All recreational vehicles placed on sites must either
 - a. be on the site for fewer than 180 consecutive days;
 - b. be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or,
 - c. meet all the requirements for manufactured homes.

14.1-16 **FLOODWAY DISTRICT**

In the Floodway District no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the one hundred (100)-year flood elevation.

14.1-16-1 Permitted Uses in the Floodway District

The following uses and activities are permitted provided that they are in compliance with the provisions of the underlying area and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment:

1. Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
2. Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.
3. Accessory residential uses, such as yard areas, gardens, play areas, and pervious loading areas.
4. Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, airport landing strips, etc.

14.1-17 SPECIAL FLOODPLAIN DISTRICT

The following provisions shall apply within the Special Floodplain District:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A and AE on the Flood Rate Insurance Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the City of Winchester.

Development activities in Zones A and AE on the Frederick County Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with the City of Winchester’s endorsement – for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

14.1-17-1 Standards for Approximated Floodplain

The following provisions shall apply with the Approximate Floodplain District:

1. The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, the one hundred (100)-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100)-year flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of

demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Program Administrator.

2. When such base flood elevation data is utilized, the lowest floor shall be 1 foot above the base flood elevation. During the permitting process, the Program Administrator shall obtain:
 - a) the elevation of the lowest floor (including the basement) of all new and substantially improved structures; and,
 - b) if the structure has been flood-proofed in accordance with the requirements of this article, the elevation to which the structure has been flood-proofed.

14.1-17-2

Standards for Subdivision Proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

14.1-18

VARIANCES: FACTORS TO BE CONSIDERED

In passing upon applications for Variances, the Board of Zoning Appeals ("the Board") shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation. No variance shall be granted within the Special Flood Plain District for any proposed development that would cause an increase of more than one foot in the one hundred (100) year flood elevation.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.

- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- M. Such other factors which are relevant to the purposes of this ordinance.

The Board may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board has determined that variance will be the minimum required to provide relief from hardship to the applicant.

The Board shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

14.1-19 EXISTING STRUCTURES IN FLOODPLAIN DISTRICTS

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- A. Existing structures in the Floodway District shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the one hundred (100)-year flood elevation.
- B. Any modifications, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of less than fifty (50) percent of its market value, elevation and/or floodproofing should be considered to the greatest extent possible.
- C. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its locations in a floodplain area, to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of this ordinance and the Virginia Uniform Statewide Building Code.
- D. Existing structures in the Special Flood Plain District shall not be expanded or enlarged unless it has been demonstrated through hydraulic and hydraulic analyses preformed in accordance with standard engineering practices that the proposed expansion or enlargement would not result in an increase of more than one foot in the one hundred (100) year flood elevation.

14.1-20 FLOODING

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger of health, life or property, or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare. All subdivisions within the City of Winchester shall conform with the recommendation of the applicable Storm Drainage Report. Any new subdivision or development shall be subject to the requirements of Article 14.1 FLOODPLAIN DISTRICTS, FP, of the Official Zoning Ordinance.

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 4/22/14 (work session), **CUT OFF DATE:** 4/16/14
5/13/14 (regular mtg)

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

ITEM TITLE:
CU-14-143 Request of Ryan Hoover dba Vintage Bavarian LLC for a conditional use permit for auto service use at 24-26 West Hart Street (*Map Number 212-01-M-2*) zoned Central Business (B-1) District.

STAFF RECOMMENDATION:
 Approval with conditions

PUBLIC NOTICE AND HEARING:
 Public hearing for 5/13/14 Council mtg

ADVISORY BOARD RECOMMENDATION:
 Planning Commission recommended approval with conditions

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. Zoning & Inspections | <u>Ang</u> | <u> </u> | <u>4/15/14</u> |
| 2. City Attorney | <u> </u> | <u> </u> | <u> </u> |
| 3. City Manager | <u><i>[Signature]</i></u> | <u> </u> | <u>4-16-14</u> |
| 4. Clerk of Council | <u><i>[Signature]</i></u> | <u> </u> | <u>4-16-14</u> |
| | <u> </u> | <u> </u> | <u> </u> |

Initiating Department Director's Signature: *[Signature]* 4/15/14
 (Planning)



CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Will Moore, Planner
Date: April 15, 2014
Re: **CU-14-143** Request of Ryan Hoover dba Vintage Bavarian LLC for a conditional use permit for auto service use at 24-26 West Hart Street (*Map Number 212-01-M-2*) zoned Central Business (B-1) District.

THE ISSUE:

The request is to allow conversion of 3600sf of currently vacant space in a strip commercial building on W Hart St to an auto service establishment.

RELATIONSHIP TO STRATEGIC PLAN:

N/A

BACKGROUND:

Staff met with the applicant on a pre-application basis and subsequently received the request to establish the auto service use, requiring a CUP, in addition to retail parts sales. The main issues identified by staff were potential noise impacts if service were to occur with overhead doors open and the potential of inoperable vehicle storage. Conditions were recommended by the Planning Commission to address these potential impacts. There is a history of auto service uses in the subject building; staff is unaware of any past issues or complaints pertaining to such uses. (See staff report for additional information).

BUDGET IMPACT:

No funding is required.

OPTIONS:

- Approve with conditions as recommended by the Planning Commission
- Approve with revised conditions
- Deny the application

RECOMMENDATIONS:

Planning Commission and staff recommend approval with conditions as noted within the staff report.

Council Work Session
April 22, 2014

CU-14-143 Request of Ryan Hoover dba Vintage Bavarian LLC for a conditional use permit for auto service use at 24-26 West Hart Street (*Map Number 212-01-M-2*) zoned Central Business (B-1) District.

REQUEST DESCRIPTION

The request is for a conditional use permit to convert 3600sf of currently vacant space in the existing building to an auto service establishment.

AREA DESCRIPTION

The subject site is zoned Central Business, B-1. Uses in the strip building include a nonconforming auto service establishment, a carpet cleaning service and storage uses. Property directly to the north and east is also zoned B-1 and consists of row houses fronting on W. Bond St. and a commercial strip fronting on S. Loudoun St. All of these properties within the subject block bound by W. Hart St, S. Braddock St, W. Bond St and S. Loudoun St are under common ownership. Properties on the opposite (west) side of S. Braddock St and the opposite (south) side of W. Hart St consist of HR-1 zoned residential uses.



STAFF COMMENTS

An automobile service establishment may be considered as a conditional use within the B-1 District provided that all service and repair is within a building enclosed on all sides. There is a history of auto service uses in the existing, strip commercial building, including an existing nonconforming use and one that received a conditional use permit to operate in 2010 that is no longer in operation. Staff finds no record of known complaints regarding these uses.

The conditional use approved in 2010 for the space at 30 W. Hart St included the following imposed conditions:

1. All service and repair of vehicles is to occur inside the building;
2. The overhead door is to remain closed during all service and repair of vehicles;
3. Hours of operation shall be no earlier than 7am and no later than 10pm.
4. No inoperable vehicles shall be stored outside unless a revised site plan showing provision of required screening per the Ordinance is approved and implemented; and,
5. Staff review and approval of the related site plan.

The applicant outlines his proposal to operate a vintage BMW parts sales and automotive repair facility in a letter received on March 4, 2014. He acknowledges within the letter that all repair will occur within the enclosed building, as required, and that there will be no outside storage of tools, equipment, chemicals/fluids, or inoperable vehicles. His intent is to initially have hours of operation from 8am-6pm

on weekends, eventually extending throughout the week and until as late as 10pm. The CUP approved in 2010, as noted above, included a similar proposal for more narrow initial hours of operation; in that case, the Commission recommended, and Council approved, a wider range of hours (7am-10pm) to accommodate possible expansion in the future.

The tenant spaces (24-26 W. Hart St) in this request are at the east end of the building and were most recently occupied by a seafood/produce market. These spaces contain overhead doors on both the east and north elevations of the building facing the adjoining parking areas. If favorable consideration is given to the request, a condition pertaining to the overhead doors remaining closed during service and repair would be appropriate to mitigate any potential impact on nearby residential uses.

The applicant does not propose any site improvements in conjunction with the use. Sufficient illumination of the off-street parking area is already provided. If favorable consideration is given to the request, staff would recommend a condition that inoperable motor vehicles not be permitted to be stored outside unless a revised site plan showing provision of required screening per the Ordinance is approved and implemented. This would allow for the applicant, should his business expand to the point where such storage is necessary, to submit and implement a revised plan providing required screening without having to reapply for a revised CUP.

RECOMMENDATION:

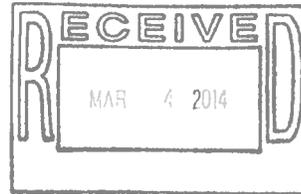
In order for a CUP to be issued, a finding must be made that the proposal as submitted or modified will not adversely affect the health, safety or welfare of residents and workers in the neighborhood nor be injurious to adjacent properties or improvements in the neighborhood.

At its April 15, 2014 meeting, the Planning Commission forwarded **CU-14-143** to City Council recommending approval because the use, as proposed, should not adversely affect the health, safety, or welfare of residents and workers in the neighborhood nor be injurious to adjacent properties or improvements in the neighborhood. The recommendation is subject to:

1. All service and repair of vehicles is to occur inside the building;
2. Overhead doors are to remain closed during all service and repair of vehicles;
3. Hours of operation shall be no earlier than 7am and no later than 10pm.
4. No inoperable vehicles shall be stored outside unless a revised site plan showing provision of required screening per the Ordinance is approved and implemented; and,
5. Staff review and approval of the related site plan.

Letter addressing Section 18-2 Winchester City Zoning Ordinance

Vintage Bavarian LLC
24 W Hart St. Winchester VA 22601
Ryan Hoover (Member)



Scope:

Vintage Bavarian LLC is a company that was started to sell vintage BMW car parts to the growing vintage BMW enthusiast community. I would like to eventually move my company toward automotive repair, mainly BMWs produced before 1991 as these are in my area of expertise. My proposed use of the property at 24 W. Hart St. would be a vintage BMW parts sales and automotive repair facility. I would not be engaging in any body repair, upholstery, paint or any other intensive repairs. I propose to install two vehicle lifts in the building, one in the front bay of the building and another in the rear perpendicular to the west wall. These proposed lifts would be completely screened from view as they are contained within the building. The areas where the lifts are installed would be considered the primary bays used for automotive repair. The rest of the building would be used primarily for storage of vehicles both personal and for business use, storage for vehicle parts, tools and some office space. Any vehicles parked outside of the building would be in my personal possession or customer vehicles with current tags and inspection stickers.

Equipment and supplies:

My business would utilize several pieces of equipment including a 33 gallon air compressor and air tools, a bench grinder, a metal chop saw and various battery powered hand tools. These tools generate some level of noise but not enough to penetrate the exterior walls of the building and cause a nuisance to the adjacent businesses or residences. All automotive repair will take place within the building so as to not cause any safety hazards to the immediate community. No tools or equipment will be located outside the building. No additional lighting will be installed to the exterior of the building. All new automotive chemicals and waste fluids such as oil and coolant would be stored inside the building in appropriate containers.

Hours of operation:

The hours of operation for the store front and shop will initially be Saturday and Sunday 8am- 6pm. The hours will eventually be extended into the week, Mon-Sun beginning at 8am and could conclude as late as 10pm. The owner may stay after hours on occasion for special projects etc. that will not constitute normal business activity (ie: personal automotive projects, shop maintenance and cleaning etc.)

Parties of Real interest.

Hables Real Estate

R-2014-18

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: April 22, 2014 **CUT OFF DATE:** __

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

ITEM TITLE: Approval of Annual Action Plan for use of CDBG and HOME Allocation for FY15

STAFF RECOMMENDATION: Provisional Approval Pending Future Public Comment

PUBLIC NOTICE AND HEARING: Authorize advertisement of proposed use of CDBG and HOME funds for Annual Action Plan for purposes of receiving public comment and hold public hearing May 13th, 2014.

ADVISORY BOARD RECOMMENDATION: The City's Community Development Committee and Northern Shenandoah Valley Regional Commission's Housing & Community Services Policy Board have discussed and recommend the attached Annual Action Plan

FUNDING DATA: Provides Prioritization in the Delegation of CDBG and HOME Allocations

INSURANCE: N/A

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

| <u>DEPARTMENT</u> | <u>INITIALS FOR APPROVAL</u> | <u>INITIALS FOR DISAPPROVAL</u> | <u>DATE</u> |
|---------------------------------------------|------------------------------|---------------------------------|-----------------------|
| 1. Finance | <u>D</u> | _____ | <u>4-7-14</u> |
| 2. _____ | _____ | _____ | _____ |
| 3. _____ | _____ | _____ | _____ |
| 4. _____ | _____ | _____ | _____ |
| 5. City Attorney | <u>[Signature]</u> | _____ | <u>4/8/2014</u> |
| 6. City Manager | <u>[Signature]</u> | _____ | <u>4-9-14</u> |
| 7. Clerk of Council | <u>[Signature]</u> | _____ | <u>4-9-14</u> |
| Initiating Department Director's Signature: | <u>[Signature]</u> | _____ | <u>4/4/14</u> Date |



APPROVED AS TO FORM:

[Signature] 4/8/2014
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Tyler Schenck, Grants Coordinator and Project Specialist
Date: April 22, 2014
Re: The City of Winchester's Adoption of the Annual Action 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) an Annual Action Plan for use of CDBG and HOME allocations in a given fiscal year.

RELATIONSHIP TO STRATEGIC PLAN: Goal 2: Create a More Livable City for All

BACKGROUND: FY15 allocations from HUD have not been announced at this time, and the CDBG and HOME proposed activities are subject to the availability of funding and subject to revisions. The Annual Action Plan is awaiting provisional Council approval and will be final upon the conclusion of the public comment period. The Plan 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 April 23rd, 2014. The proposed breakdown of this year's Annual Action Plan for CDBG and HOME funding is displayed below:

- 90% to repayment of Section 108 Loan for the Taylor Hotel Rehabilitation Project
- 10% to program administration

- In the Northern Shenandoah Valley Region the Policy Board recommended the following allocation of HOME funds for FY15:
 - Up to 55% to Homeownership Activities
 - Up to 20% to Tenant Based Rental Assistance
 - Minimum of 15% to local CHDO's as the eligible set-aside
 - Maximum of 10% to Administrative Activities

BUDGET IMPACT: The adoption of the Annual Action Plan dictates how CDBG and HOME funds will be allocated for FY15.

OPTIONS: Council may approve or disapprove the Annual Action Plan

RESOLUTION

WHEREAS, agencies that receive U.S. Department of Housing and Urban Development (HUD) funds must prepare and submit an annual Action Plan; 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 an Action Plan and has satisfactorily followed HUD requirements for the creation of each.

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 Annual Action Plan 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 his or her duly appointed deputy, is directed to attest thereto.

SECTION 3. The City Manager, or his designee, is directed to submit the Annual Action Plan to the U.S. Department of Housing and Urban Development.

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The purpose of the 2014 Annual Action Plan is to continue to develop specific objectives and projects to meet goals identified in the 2013-2017 Consolidated Plan. CDBG priorities were identified by the Winchester Community Development Committee. 2014 HOME funding priorities were identified by the Housing & Community Services Policy Board to address: HOME program administration, CHDO eligible activities, homeownership development, and tenant based rental assistance.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

CDBG priorities were identified by the Winchester Community Development Committee. For 2014 this includes the 90% use of funds for the repayment of the Section 108 Loan Repayment and 10% for CDBG program administration. 2014 HOME funding priorities were identified by the Housing & Community Services Policy Board to address: HOME program administration, CHDO eligible activities, homeownership development, and tenant based rental assistance. Specifically, the following objectives and outcomes were prioritized for the 2014 Annual Action Plan:

CDBG PROGRAM

90% to repayment of Section 108 Loan for the Taylor Hotel Rehabilitation Project

10% to Administrative Activities

HOME PROGRAM

Up to 65% to Homeownership Activities

Up to 20% Tenant Based Rental Assistance

Minimum of 15% to local CHDO's as the eligible set-aside

Maximum of 10% to Administrative Activities

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The 2013-2017 Consolidated Plan proposes the following objectives & outcomes; which in turn drives the development of the Annual Action Plan goals identified in the preceeding response.

- Increasing availability of safe, decent, affordable housing.
- Providing variety of housing choices throughout the region.
- Addressing special needs populations (homeless, elderly, disabled, veterans, HIV/Aids).
- Providing supportive services in housing options.
- Planning for community infrastructure

Below is a summary of funded expended to date meeting the 2013-2017 Consolidated Plan Goals for the HOME program:

- Homebuyer 20%
- O.O. Rehab 35%
- TBRA/ Rental 25%
- CHDO 10%
- Administration 10%

Special considerations given to past performance objectives include: filling vacant units, expanding rental and homebuyer assistance; conscientious funding for rental development (market conditions).

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

Citizen Participation is a vital part of the Annual Action Planning Process. Citizen Participation was solicited and welcomed through a number of avenues throughout the Consolidated Planning process. An advertisement for public comment was solicited through two (2) locally circulated newspapers (Winchester Star & Northern VA Daily) from March 24 to April 23, 2014. The Winchester Community Development Committee and regional Housing and Community Service Policy Board meetings are open to the public and advertised with local media outlets. In addition, anyone may request to be added to the distribution list for meeting notices, discussion topics and program updates.

The Northern Shenandoah Valley Regional Commission (NSVRC) in its role as a local body for regional collaboration has actively solicited input from public and private entities to enhance its consolidated

planning activates. The NSVRC has a regional Housing & Community Services Policy Board (HCSPB) that meet's bi-monthly and is composed of local leaders representing the health care, education, social services, real estate, workforce investment, economic development, special interest, government and planning sectors. This body serves as the principle group for the evaluation for the consortiums effort to undertake housing and development activities with federal funds (primarily HOME). Advising the process is a stakeholder Technical Advisory Network (TAN) comprise of regional housing, homelessness and other service providers. This regional forum meets bi-monthly and advises the HCSPB on housing and community development activities. This coordination creates a comprehensive network of local experts providing input, outreach and feedback on HOME funded activities to meet the local market conditions.

The City of Winchester utilizes a Community Development Committee (CDC) comprised of City elected officials, key staff, non-profits, and other local stakeholders to inform community development activities, primarily those related to public infrastructure, within the City of Winchester.

Public Comment period ended with a public hearing at the regular City Council meeting in May 2014. Public comment is summarized below.

Finally, the Citizen Participation Plan calls for specific meetings where public input may be heard by elected officials. To date, the City Council had a 30 day public comment period as well as public hearings regarding the Plan at their regular meetings.

A draft summary of the proposed 2014 Annual Action Plan was published on March 24, 2014 in the area's local newspapers. Copies of the proposed plan were also made available at government offices as well as on the City of Winchester and NSVRC Community websites. Public

Comment is received year-round, but was particularly solicited during the 30 day public comment period from March 24 to April 23, 2014. The

Public Comment period ended with a public hearing at the regular City Council meeting in May 2014. Public comment is summarized below.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

There were no comments recieved on the 2014 Annual Action Plan.

6. Summary of comments or views not accepted and the reasons for not accepting them

There were no comments recieved on the 2014 Annual Action Plan.

7. Summary

N/A

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

| Agency Role | Name | Department/Agency |
|-----------------------|------------|-----------------------|
| Lead Agency | WINCHESTER | |
| CDBG Administrator | WINCHESTER | Department of Finance |
| HOPWA Administrator | | |
| HOME Administrator | | Community Development |
| HOPWA-C Administrator | | |

Table 1 – Responsible Agencies

Narrative (optional)

Consolidated Plan Public Contact Information

CDBG Program: Tyler Schenck (Tyler.Schenck@winchesterva.com)

HOME Program: M. Tyler Klein, AICP (TKlein@NSVRegion.org)

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

Consultation with a variety of stakeholder groups is vital to the successful development and implementation of a Annual Action Plan. The Northern Shenandoah Valley Regional Commission (NSVRC) in its role as the lead for the Consolidated Plan utilized consultation from federal, state and local governments, local planners, housing providers, service providers, human health providers and homeless service providers in the development of the Plan.

Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

The Northern Shenandoah Valley Regional Commission (NSVRC) in its role as a local body for regional collaboration has actively solicited input from public and private entities to enhance its consolidated planning activities. The NSVRC has a regional Housing & Community Services Policy Board (HCSPB) that meets bi-monthly and is composed of local leaders representing the health care, education, social services, real estate, workforce investment, economic development, special interest, government and planning sectors. This body serves as the principle group for the evaluation for the consortiums effort to undertake housing and development activities with federal funds (primarily HOME). Advising the process is a stakeholder Technical Advisory Network (TAN) comprised of regional housing, homelessness and other service providers. This regional forum meets bi-monthly and advises the HCSPB on housing and community development activities. This coordination creates a comprehensive network of local experts providing input, outreach and feedback on HOME funded activities to meet the local market conditions.

The City of Winchester utilizes a Community Development Committee (CDC) comprised of City elected officials, key staff, non-profits, and other local stakeholders to inform community development activities, primarily those related to public infrastructure, within the City of Winchester.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

To better inform the process, the HCSPB (described above) utilizes the Northern Shenandoah Valley Homeless Coalition which also serves a dual role as the region's Continuum of Care (CoC) to address the needs of homeless persons and persons at risk of homelessness. The CoC in 2012 merged with the Rockingham/Harrisonburg CoC to form the Northern Shenandoah Valley CoC (VA-513) and partnered with the Virginia Coalition to End Homelessness (VCEH) to serve as the staff to the CoC. The Northern

Shenandoah Valley Regional Commission continues to serve as the lead agency for the CoC, providing staff and financial support.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

Currently, the Northern Shenandoah Valley CoC does not utilize Emergency Shelter Grant (ESG) funds. In the past ESG funds were pursued by individual organizations through the TAN/CoC and the Regional Commission through the City of Winchester certified that the applications for funding were consistent with the 2008-2012 Consolidated Plan. The CoC is the primary body responsible for developing, maintaining and reporting data through the Homeless Management Information Systems (HMIS). To better utilize existing data, the CoC through the lead agency (NSVRC) contracted in 2011 with Homeward, VA (and Service Point) for HMIS services, training and database management. Performance standards were developed by Homeward to meet US Department of Housing and Urban Development (HUD) requirements. As part of the Ten (10) Year Plan to End Homelessness the CoC plans to develop and adopt performance standards to evaluate outcomes of the Region's Ten Year Plan.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

| | | |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Agency/Group/Organization | Northern Shenandoah Valley Continuum of Care (CoC) VA-513 |
| | Agency/Group/Organization Type | Regional organization |
| | What section of the Plan was addressed by Consultation? | Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Anti-poverty Strategy |
| | Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination? | Continuum of Care provided input specifically regarding homelessness, homeless facilities and services. CoC also confirmed housing needs assessment information. |
| 2 | Agency/Group/Organization | City of Winchester |
| | Agency/Group/Organization Type | Other government - Local |
| | What section of the Plan was addressed by Consultation? | Economic Development |
| | Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination? | Grantee for both CDBG & HOME Program; set CDBG priorities for Annual Action Plan. |
| 3 | Agency/Group/Organization | NORTHERN SHENANDOAH VALLEY REGIONAL COMMISSION |
| | Agency/Group/Organization Type | Regional organization |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>What section of the Plan was addressed by Consultation?</p> | <p>Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy</p> |
| <p>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</p> | <p>Lead entity for HOME program; set priorities for HOME program.</p> |

Table 2 – Agencies, groups, organizations who participated

Identify any Agency Types not consulted and provide rationale for not consulting

Consultation with a variety of stakeholder groups is vital to the successful development and implementation of a Consolidated Plan. The Northern Shenandoah Valley Regional Commission (NSVRC) in its role as the lead for the Consolidated Plan utilized consultation from federal, state and local governments, local planners, housing providers, service providers, human health providers and homeless service providers in the development of the Plan. NSRC used a variety of outreach and marketing types to ensure comprehensive coverage for consultation. No agency types were directly omitted from the consultation process.

Other local/regional/state/federal planning efforts considered when preparing the Plan

| Name of Plan | Lead Organization | How do the goals of your Strategic Plan overlap with the goals of each plan? |
|-------------------|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| Continuum of Care | Northern Shenandoah Valley Regional Commission | 10 Year Plan to End Homelessness data was utilized for Homeless Needs Assessment section of the Consolidated Plan. |

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

N/A

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

Citizen Participation is a vital part of the Annual Action Planning Process. Citizen Participation was solicited and welcomed through a number of avenues throughout the Consolidated Planning process. An advertisement for public comment was solicited through two (2) locally circulated newspapers (Winchester Star & Northern VA Daily) from March 24 to April 23, 2014. The Winchester Community Development Committee and regional Housing and Community Service Policy Board meetings are open to the public and advertised with local media outlets. In addition, anyone may request to be added to the distribution list for meeting notices, discussion topics and program updates.

Finally, the Citizen Participation Plan calls for specific meetings where public input may be heard by elected officials. To date, the City Council had a 30 day public comment period as well as public hearings regarding the Plan at their regular meetings.

A draft summary of the proposed 2014 Annual Action Plan was published on March 24, 2014 in the area's local newspapers. Copies of the proposed plan were also made available at government offices as well as on the City of Winchester and NSVRC Community websites. Public

Comment is received year-round, but was particularly solicited during the 30 day public comment period from March 24 to April 23, 2014. The

Public Comment period ended with a public hearing at the regular City Council meeting in May 2014. Public comment is summarized below.

Citizen Participation Outreach

| Sort Order | Mode of Outreach | Target of Outreach | Summary of response/attendance | Summary of comments received | Summary of comments not accepted and reasons | URL (If applicable) |
|------------|------------------|-------------------------------------------------------------------------|--------------------------------|-----------------------------------|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Public Hearing | Minorities Persons with disabilities Non-targeted/broad community | See attached advertisement. | No public comments were received. | N/A | www.NSVcommunity.org & www.winchesterva.gov |

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c) (1, 2)

Introduction

Anticipated resources identified below were prorated based on 2013 CDBG and HOME entitlement allocations. All anticipated resources are estimates; leveraged funds will also be necessary to ensure project implementation and meeting Consolidated Plan goals.

Priority Table

| Program | Source of Funds | Uses of Funds | Expected Amount Available Year 1 | | | | Expected Amount Available Reminder of ConPlan \$ | Narrative Description |
|---------|------------------|----------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------|--------------------------|-----------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | Annual Allocation: \$ | Program Income: \$ | Prior Year Resources: \$ | Total: \$ | | |
| CDBG | public - federal | Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services | 237,014 | 0 | 0 | 237,014 | 0 | Anticipated resources for CDBG funds will be utilized over the next five (5) years for the re-payment of the Section 108 Loan awarded to the City of Winchester in 2012. |

| Program | Source of Funds | Uses of Funds | Expected Amount Available Year 1 | | | | Expected Amount Available Reminder of ConPlan \$ | Narrative Description |
|---------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------|--------------------------|-----------|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | Annual Allocation: \$ | Program Income: \$ | Prior Year Resources: \$ | Total: \$ | | |
| HOME | public - federal | Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA | 459,682 | 0 | 0 | 459,682 | 0 | Anticipated resources for HOME funds estimated using 2013 allocation prorated at a equal amount of the five (5) year period of the Consolidated Plan. |

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Federal funds will be leverage to supplement resources to achieve goals outlined in the Consolidated Plan. Additional resources (private, state and local funds) will be necessary to implement projects and programs on a 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.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

There is no public owned lane or property located within the appropriate jurisdictions that will be used to address the needs identified in the plan.

Discussion

N/A

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

No Goals Found

Table 6 – Goals Summary<TYPE=[text] REPORT_GUID=[9B4786E64DDAC839A8E119B13CB7DB46]>

Goal Descriptions

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):

Extremely Low-Income:36 persons

Low-Income:5 persons

Moderate-Income:5 persons

AP-35 Projects – 91.220(d)

Introduction

2014 Annual Action Plan priorities are as follows:

CDBG PROGRAM

90% to repayment of Section 108 Loan for the Taylor Hotel Rehabilitation Project

10% to Administrative Activities

HOME PROGRAM

Up to 65% to Homeownership Activities

Up to 20% Tenant Based Rental Assistance

Minimum of 15% to local CHDO's as the eligible set-aside

Maximum of 10% to Administrative Activities

| # | Project Name |
|---|--------------------------------|
| 1 | TENANT BASED RENTAL ASSISTANCE |
| 2 | DOWN-PAYMENT ASSISTANCE |
| 3 | CHDO |
| 5 | SECTION 108 LOAN RE-PAYMENT |

Table 7 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

CDBG priorities were identified by the Winchester Community Development Committee. For 2014 this includes the 90% use of funds for the repayment of the Section 108 Loan Repayment and 10% for CDBG program administration. 2014 HOME funding priorities were identified by the Housing & Community Services Policy Board to address: HOME program administration, CHDO eligible activities, homeownership development, and tenant based rental assistance.

Projects

AP-38 Projects Summary

Project Summary Information

| | | |
|----------|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Project Name | TENANT BASED RENTAL ASSISTANCE |
| | Target Area | HOME TARGET AREA |
| | Goals Supported | |
| | Needs Addressed | |
| | Funding | : |
| | Description | Tenant Based Rental Assistance program serving: City of Winchester, Clarke, Frederick, Warren, Shenandoah & Page Counties. Program provides short-term rental assistance in the form of security deposits and first-months rent to qualified low-income persons (including homeless and nearly homeless persons). Program also will provide security deposits for utilities and first-months payments. |
| | Target Date | |
| | Estimate the number and type of families that will benefit from the proposed activities | 36 extremely-low and low-income persons (and families) |
| | Location Description | TBRA will serve: City of Winchester, Clarke, Frederick, Warren, Shenandoah & Page Counties. |
| | Planned Activities | Program also will provide security deposits for utilities and first-months payments. |
| 2 | Project Name | DOWN-PAYMENT ASSISTANCE |
| | Target Area | |
| | Goals Supported | |
| | Needs Addressed | |
| | Funding | : |
| | Description | Program to cover City of Winchester, Clarke, Frederick, Page, Shenandoah & Warren Counties. Program provides down-payment and closing cost assistance to first-time low-income home buyers. |

| | | |
|----------|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| | Target Date | |
| | Estimate the number and type of families that will benefit from the proposed activities | Up to 5 households will recieved down-payment & closing-cost assistance. |
| | Location Description | Program to cover City of Winchester, Clarke, Frederick, Page, Shenandoah & Warren Counties. |
| | Planned Activities | Program provides down-payment and closing cost assistance to first-time low-income home buyers. |
| 3 | Project Name | CHDO |
| | Target Area | |
| | Goals Supported | |
| | Needs Addressed | Addressing Substandard Housing |
| | Funding | : |
| | Description | Homeownership development funding and pre-development loan to qualified CHDO organization. |
| | Target Date | |
| | Estimate the number and type of families that will benefit from the proposed activities | Up to 15 properties will be acquired, rehabbed and sold to qualified first-time homebuyers |
| | Location Description | Frederick, Shenandoah & Warren Counties |
| | Planned Activities | Acquistion, rehabilitation and down-payment & closing cost assistance. |
| 4 | Project Name | SECTION 108 LOAN RE-PAYMENT |
| | Target Area | CDBG TARGET AREA |
| | Goals Supported | |
| | Needs Addressed | Create Economic Development Opportunities |
| | Funding | : |
| | Description | Re-payment of Section 108 Loan for rehabilitation of the Taylor Hotel property in Downtown Winchester, VA. |
| | Target Date | 7/2/2018 |
| | Estimate the number and type of families that will benefit from the proposed activities | |

| | |
|-----------------------------|------------------------------------------------------------------------------------------------------------|
| Location Description | 119-129 N. Loudoun Street |
| Planned Activities | Re-payment of Section 108 Loan for rehabilitation of the Taylor Hotel property in Downtown Winchester, VA. |

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The Taylor Hotel is located in the City’s pedestrian mall which is in the historic downtown district. The Taylor Hotel was finished in 1848 and has served as a hotel, Civil War headquarters and hospital, theater, department store and telecom center. The building has been vacant since 2004, and its condition has rapidly deteriorated since then, especially after a partial roof collapse in 2007. The property was condemned by the City in 2010, but a substantial investment has been made in the property by the City and redevelopment efforts began in late 2012.

Geographic Distribution

| Target Area | Percentage of Funds |
|-------------|---------------------|
| | |

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The Old Town Development Board, Community Development Committee, and Economic Development Authority identified the Taylor Hotel located in the historical district as a prime location for redevelopment. The 19th century property had fallen into severe disarray after sitting vacant since 2007. The combined efforts of these public entities helped identify the Taylor Hotel as a target area and initiate its redevelopment.

Discussion

N/A

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

2014 Annual Action Plan priorities are as follows:

CDBG PROGRAM

90% to repayment of Section 108 Loan for the Taylor Hotel Rehabilitation Project

10% to Administrative Activities

HOME PROGRAM

Up to 65% to Homeownership Activities

Up to 20% Tenant Based Rental Assistance

Minimum of 15% to local CHDO's as the eligible set-aside

Maximum of 10% to Administrative Activities

| One Year Goals for the Number of Households to be Supported | |
|--------------------------------------------------------------------|-----------|
| Homeless | 36 |
| Non-Homeless | 10 |
| Special-Needs | 0 |
| Total | 46 |

Table 9 - One Year Goals for Affordable Housing by Support Requirement

| One Year Goals for the Number of Households Supported Through | |
|----------------------------------------------------------------------|-----------|
| Rental Assistance | 36 |
| The Production of New Units | 5 |
| Rehab of Existing Units | 5 |
| Acquisition of Existing Units | 5 |
| Total | 51 |

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

N/A

AP-60 Public Housing – 91.220(h)

Introduction

There is no public housing in the Northern Shenandoah Valley.

Actions planned during the next year to address the needs to public housing

There is no public housing in the Northern Shenandoah Valley.

Actions 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.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

There is no public housing in the Northern Shenandoah Valley.

Discussion

N/A

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

Outlined below are the one-year goals and the specific actions steps the Northern Shenandoah Valley region will undertake in the program year to carry out the homeless and other special needs strategy outlined in the Consolidated Plan. Specific goals for the program year include: homeless prevention and rapid-rehousing, expansion of outreach and services to special needs populations and strengthening strategic and organization capacity of the Continuum of Care (CoC) and partner organizations.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

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

As outlined in the region's Ten (10) Year Plan to End Homelessness, the Continuum of Care (COC) is committed to forming 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. The advisory committee will assist the COC to raise awareness of the problem of and solutions to homelessness in the community as well as to increase and leverage resources to achieve the goals of the ten year plan. The COC will seek out a prominent

Addressing the emergency shelter and transitional housing needs of homeless persons

The COC is working towards strengthening capacity of existing emergency shelter and transitional housing providers in the region. Recent changes in the US Department of Housing & Urban Development's (HUD) programming for homelessness has lead the COC, through the 10-Year Plan to End Homelessness, to begin actively transitioning shelter and service providers from emergency shelters and transitional housing operations towards permanent supportive housing. Over the next ten (10) years 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 – those 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.

Partnering with Veterans Administration Medical Centers to access HUD VASH vouchers – Case managers at Veterans Administration (VA) Medical Centers may refer eligible veterans experiencing homelessness to receive vouchers for supportive housing. To end veteran homelessness it is therefore

imperative to partner with case management staff at the Martinsburg VA Medical Center to assure veterans experiencing homelessness in Northern Shenandoah Valley receive HUD VASH vouchers to which they are eligible.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: 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); or, 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, proposes creating a "Supportive Services" and "Prevention" committee's, 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.

Discussion

N/A

| |
|----------------------------------------------------------------------------------------------------------------|
| One year goals for the number of households to be provided housing through the use of HOPWA for: |
| Short-term rent, mortgage, and utility assistance to prevent homelessness of the individual or family |
| Tenant-based rental assistance |
| Units provided in housing facilities (transitional or permanent) that are being developed, leased, or operated |
| Units provided in transitional short-term housing facilities developed, leased, or operated with HOPWA funds |
| Total |

AP-75 Barriers to affordable housing – 91.220(j)

Introduction

Local and regional public policies, as well as national, regional, and local trends and conditions, can affect a region's ability to provide and maintain a viable affordable housing stock. Local policies especially tax policy on property, land use controls, zoning ordinances, building codes, development fees and charges, growth limits, and policies that affect return on residential investment. The Northern Shenandoah Valley Regional Commission, in partnership with the Continuum of Care (COC) and Virginia Fair Housing Office have informed the state-wide Housing Affordability Index (HAI) being assembled by Housing Virginia, which provides a comprehensive guide to policies, regulations and programs to further the development of affordable housing units and programs in the region.

Actions it planned 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

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. Additionally, the City of Winchester and NSVRC are working to update the region's Analysis of Impediments to Fair Housing Choice report (expected completion fall 2014). 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.

Discussion

N/A

AP-85 Other Actions – 91.220(k)

Introduction

This section outlines the regions planned actions for 2014-2015 to carry out strategies outlined in the Consolidated Plan for: meeting underserved needs, furthering affordable housing development, reducing lead-based paint hazards, reducing poverty, developing institutional structure and enhancing coordination among agencies.

Actions planned to address obstacles to meeting underserved needs

2014 is the fourth year in which priority special needs populations are identified for project funding, including those individuals and families transitioning from homelessness. It is the intention annually that increased integration between the annual action planning process and the continuum of care planning process we can achieve a higher level of coordination and efficiency of resource allocation and service delivery. The CoC/TAN will continue to work, with support of NSVRC staff, to implement a strategic plan to end homelessness in the Northern Shenandoah Valley

Actions planned to foster and maintain affordable housing

Actions planned to foster and maintain affordable housing

Actions planned to foster and maintain affordable housing in the Northern Shenandoah Valley region for the upcoming program year include: building organizational capacity for housing providers to carry out affordable housing development (homeownership), rehabilitation of substandard housing, and assistance to at-risk persons of homelessness through down-payment and TBRA programs.

Actions planned to reduce lead-based paint hazards

As part of the monitoring and compliance activities, NSVRC will assure that all subgrantees, subrecipients and CHDOs conform to the lead based paint requirements associated with rehabilitation. There is little data available to suggest that lead based paint hazards are a major concern in the Northern Shenandoah Valley, but we do encourage identification of such potential hazards for consideration in our Home Repair Programs.

Actions planned to reduce the number of poverty-level families

As part of the work program, 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 might include job retraining programs, small business development programs, micro-lending and general self-sufficiency programs.

Actions planned to develop institutional structure

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 a 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 planned to enhance coordination between public and private housing and social service agencies

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

Discussion

N/A

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction

The purpose of this section is to outline program-specific requirements for the Annual Action Plan and ensure program compliance for the Community Development Block Grant (CDBG) and HOME Investment Partnership Funds. Specifically these program requirements align with the Consolidated Plan Final Ruling.

Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed | 0 |
| 2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan. | 0 |
| 3. The amount of surplus funds from urban renewal settlements | 0 |
| 4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan | 0 |
| 5. The amount of income from float-funded activities | 0 |
| Total Program Income: | 0 |

Other CDBG Requirements

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 1. The amount of urgent need activities | 0 |
| 2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. | 90.00% |

HOME Investment Partnership Program (HOME) Reference 24 CFR 91.220(I)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is

| | |
|--------------------|----|
| Annual Action Plan | 32 |
| 2014 | |

as follows:

As outlined in the Northern Shenandoah Valley HOME Manual: because HOME funds are only one source of funding, applicants are required to utilize leverage to complete the project. Leverage is all other sources of funding in a project or activity (excluding HOME funds). Leverage includes match. The application process requires a project to successfully utilize leverage. Leverage is essential for a successful project.

- bank loans or other loans not repayable to the HOME account
 - CDBG funds
 - Contributions to units that are not HOME-assisted or HOME-eligible
 - Federal funds, either grants or loans
2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

In order to assure continued affordability of HOME assisted housing units, the Northern Shenandoah Valley (NSV) HOME Consortium imposed a recapture provision by which all or a portion of the direct subsidy for housing be recaptured from the net proceeds of the sale in the event a sale occurs during the affordability period.

For HOME assisted homebuyer projects/activities, recaptured funds will be based on net proceeds from the sale of the HOME assisted housing (either voluntary or involuntary) and be reduced on a pro rata basis for the time the homeowner has owned and occupied the housing measured against the affordability applicable period. For example, if \$15,000 in HOME assistance is provided and the unit sells in year four of ownership, the Consortium will require that \$3,000 be returned, if net proceeds are equal to or exceed this amount.

All HOME agreements with homebuyers and with CHDO's/subrecipients will include these resale/recapture provisions to ensure compliance with regulation.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

In order to assure continued affordability of HOME assisted housing units, the Northern Shenandoah Valley (NSV) HOME Consortium imposed a recapture provision by which all or a portion of the direct subsidy for housing be recaptured from the net proceeds of the sale in the event a sale occurs during the affordability period.

For HOME assisted projects where funds were used for acquisition, recaptured funds will be based on net proceeds from the sale of the HOME assisted housing (either voluntary or involuntary) and be reduced on a pro rata basis for the time the homeowner has owned and occupied the housing measured against the affordability applicable period. For example, if \$15,000 in HOME assistance is provided and the unit sells in year four of ownership, the Consortium will require that \$3,000 be returned, if net proceeds are equal to or exceed this amount.

All HOME agreements with CHDO's/subrecipients will include these resale/recapture provisions to ensure compliance with regulation.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

following plans to refinance existing debt as consistent with 24 CFR 92.206(b) and adopted in the NSV HOME Consortium Manual:

As required by the HOME regulations, to be funded under the CHDO set-aside category, a CHDO must assume the role of owner, developer and/or sponsor. In this scenario, the nonprofit is not assuming any of these three roles, as defined by the regulations. As a result, this unit in question would be classified as homeowner rehabilitation, which is not a CHDO-eligible activity

Furthermore, if a nonprofit was funded for homebuyer activity, but under the CHDO set-aside category, the scenario would still be classified as homeowner rehabilitation and would not be eligible.

Discussion

N/A

3-2014-19

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: April 22, 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 of the use of CDBG funds for the 2013-2017 Consolidated Plan for purposes of receiving public comment and hold public hearing May 13th, 2014.

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

FUNDING DATA: Reprioritization of CDBG allocation priorities during the life of the 2013-2017 Consolidated Plan.

INSURANCE: N/A

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

| <u>DEPARTMENT</u> | <u>INITIALS FOR APPROVAL</u> | <u>INITIALS FOR DISAPPROVAL</u> | <u>DATE</u> |
|---------------------------------------------|------------------------------|---------------------------------|---------------------------|
| 1. Finance | <u> D </u> | <u> </u> | <u> 7-7-14 </u> |
| 2. _____ | <u> </u> | <u> </u> | <u> </u> |
| 3. _____ | <u> </u> | <u> </u> | <u> </u> |
| 4. _____ | <u> </u> | <u> </u> | <u> </u> |
| 5. City Attorney | <u> AW </u> | <u> </u> | <u> 4/8/2014 </u> |
| 6. City Manager | <u> [Signature] </u> | <u> </u> | <u> 4-9-14 </u> |
| 7. Clerk of Council | <u> [Signature] </u> | <u> </u> | <u> 4-9-14 </u> |
| Initiating Department Director's Signature: | <u> [Signature] </u> | <u> </u> | <u> 4/4/14 </u> Date |



APPROVED AS TO FORM:
 [Signature] 4/8/2014
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Tyler Schenck, Grants Coordinator and Project Specialist
Date: April 22, 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. Should different funding priorities arise during the life of the Plan, amendments to the Consolidated Plan must be approved by City Council before being submitted to HUD

RELATIONSHIP TO STRATEGIC PLAN: Allocations will be used to help create a more livable City for all.

BACKGROUND: FY15 allocations from HUD have not been announced at this time, and the CDBG and HOME proposed activities are subject to the availability of funding and subject to revisions. 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 April 23rd, 2014. The current allocation breakdown of the 2013-2017 Consolidated Plan for CDBG funding is displayed below:

- 100% to repayment of Section 108 Loan for the Taylor Hotel Rehabilitation Project

The proposed amendment regarding the allocation of CDBG and HOME funds over the life of Consolidated Plan (five years) is listed below:

- 90% to repayment of Section 108 Loan for the Taylor Hotel Rehabilitation Project
- 10% to program administration

Approval of the amendment will have little impact on the City's ability to repay the outstanding balance on its HUD Section 108 Loan. 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 3-4 years.

BUDGET IMPACT: The adoption of this amendment to the 2013-2017 Consolidated Plan will dictate how CDBG funds will be allocated for the life of the Plan.

OPTIONS: Council may approve or disapprove the proposed amendment

RESOLUTION

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, the City of Winchester Community Development Committee and Winchester Common Council desire to reprioritize CDBG funding during the life of the 2013-2017 Consolidated Plan; and

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

WHEREAS, the proposed amendment to the 2013-2017 Consolidated Plan for CDBG allocation during the life of the Plan is as follows:

- 90% to repayment of Section 108 Loan for the Taylor Hotel Rehabilitation Project
- 10% to program administration

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 amendment to the Consolidated Plan 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 his or her duly appointed deputy, is directed to attest thereto.

SECTION 3. The City Manager, or his designee, is directed to submit the amendment to the Consolidated Plan to the U.S. Department of Housing and Urban Development.

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: April 15, 2014 CUT OFF DATE: _____

RESOLUTION ___ ORDINANCE XX PUBLIC HEARING XX

ITEM TITLE: An ordinance to amend Chapter 9 - "Water Protection" of the Winchester City Code to comply with all applicable regulations of the Virginia Stormwater Management Program.

STAFF RECOMMENDATION: Adopt the ordinance.

PUBLIC NOTICE AND HEARING: Will be required.

ADVISORY BOARD RECOMMENDATION: NA

FUNDING DATA: See attached.

INSURANCE: NA

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

| <u>DEPARTMENT</u> | <u>INITIALS FOR APPROVAL</u> | <u>INITIALS FOR DISAPPROVAL</u> | <u>DATE</u> |
|---------------------------------------------|------------------------------|---------------------------------|-----------------------|
| 1. Finance | <u>B</u> | | <u>4/8/14</u> |
| 2. City Attorney | <u>AV</u> | | <u>4/8/2014</u> |
| 3. City Manager | <u>[Signature]</u> | | <u>4-8-14</u> |
| 4. Clerk of Council | <u>[Signature]</u> | | <u>4-9-14</u> |
| Initiating Department Director's Signature. | <u>[Signature]</u> | | <u>4/7/14</u> Date |



APPROVED AS TO FORM:

[Signature] 4/8/2014
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Perry Eisenach, Public Services Director
Date: April 15, 2014 (Council work session)
Re: Modifications to Chapter 9 – “Water Protection” of the Winchester City Code

THE ISSUE: An ordinance to amend Chapter 9 – “Water Protection” of the Winchester City Code to comply with all applicable regulations of the Virginia Stormwater Management Program.

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

BACKGROUND: The Commonwealth of Virginia has adopted legislation that requires the City of Winchester to implement and enforce all applicable provisions of the Virginia Stormwater Management Program (VSMP). The deadline for implementing all these requirements is July 1, 2014.

The attached ordinance would make the necessary modifications to Winchester City Code Chapter 9 – “Water Protection” so that the City is in compliance with State Code.

NOTE: This ordinance was first presented to Council at the work session on November 19, 2013 and again at the work session on January 21, 2014. The General Assembly made some last minute changes to the legislation and SB423 was signed by the Governor on March 24. The ordinance has been modified to reflect all the changes and is now ready for Council action.

BUDGET IMPACT: Implementing and enforcing these new regulations will require additional City resources. While some additional revenue from state mandated fees from developers will be generated, this revenue will most likely not cover the additional expenditures that will be required.

OPTIONS FOR CITY COUNCIL:

Either adopt or not adopt the proposed ordinance.

RECOMMENDATION:

Adopt the proposed ordinance.

**AN ORDINANCE TO AMEND AND RE-ENACT CHAPTER 9 OF THE WINCHESTER CITY CODE
PERTAINING TO WATER PROTECTION**

WHEREAS, the Commonwealth of Virginia has enacted legislation mandating that the City of Winchester implement all applicable provisions of the Virginia Stormwater Management Plan; and

WHEREAS, implementing these requirements will require numerous modifications to Chapter 9 of the Winchester City Code; and

WHEREAS, implementing these requirements is associated with more stringent stormwater discharge regulations being mandated by the federal government and state government.

NOW, THEREFORE, BE IT ORDAINED that Chapter 9 of the Winchester City Code is hereby amended and re-enacted to read as provided on the attached pages.

The effective date of this Ordinance shall be July 1, 2014.

Ordinance No. _____

ADOPTED by the Common Council of the City of Winchester on the ____ day of _____, 2014.

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

Deputy Clerk of the Common Council

CHAPTER 9

WATER PROTECTION

- Art. I. In General, §§9-1--9-19
- Art. II. Erosion and Sediment Control, §§9-20--9-49
Div. 1. In General, §§9-20--9-29
Div. 2. Erosion and Sediment Control Plan for
Land Disturbing Activities, §§9-30--9-49
- Art. III. Stormwater Management and Water Quality, §§9-50--9-79
Div. 1. In General, §§9-50--9-55
Div. 2. Plan Requirements: Water Quantity and Water
Quality Protection Requirements for Water Quantity and Water Quality
Protection, §§9-56--9-79
- Art. IV. Stream Buffers, §§9-80--9-99
- Art. V. Storm Sewer Discharges, §§9-90--9-95

ARTICLE I. IN GENERAL

SECTION 9-1. SHORT TITLE.

This Chapter shall be known and may be cited as the City's "Water Protection Ordinance."

SECTION 9-2. AUTHORITY.

This Chapter is adopted pursuant to authority conferred by the Virginia Erosion and Sediment Control Law (Virginia Code ~~§§10.1-560~~62.1-44.15:51 et seq.), the Virginia Stormwater Management Act (Virginia Code ~~§§10.1-603.1~~62.1-44.15:24 et seq.), ~~Virginia Code §10.1-2108 of~~ the Chesapeake Bay Preservation Act (Virginia Code §62.1-44.15:67 et seq.), and the Federal Clean Water Act.

SECTION 9-3. PURPOSES.

The City Council finds that this Chapter is necessary to protect the general health, safety and ~~general~~ welfare of the citizens of the City and the Commonwealth of Virginia and to prevent storm water from being rendered dangerous to the health of persons living in the City, and is supported by the findings of related studies that have been conducted. Therefore, the specific purposes of this Chapter are to:

Editor's Note: Ordinance No. 15-2006, adopted April 11, 2006, repealed and re-enacted Chapter 9 in its entirety.

WINCHESTER CODE

- (1) Inhibit the deterioration of ~~public water~~state waters and waterways resulting from land disturbing activities;
- (2) Protect the safety and welfare of citizens, property owners, and businesses by minimizing the negative impacts of increased stormwater runoff from new land development and redevelopment;
- (3) Control nonpoint source pollution, erosion and sedimentation, and stream channel erosion;
- (4) Maintain the integrity of existing stream channels and networks for their biological functions, drainage, and natural recharge of groundwater;
- (5) Protect the condition of ~~public water~~state waters for all reasonable public uses and ecological functions;
- (6) Provide for the long-term responsibility for and maintenance of stormwater management facilities and best management practices;
- (7) Facilitate the integration of stormwater management and pollution control with other City ordinances and with federal, Commonwealth of Virginia and local programs, policies, regulations and guidelines; ~~and~~
- (8) Prohibit illicit connections and discharges to the City's municipal storm sewer system;
- (9) Protect the quality and quantity of state waters from the potential harm of unmanaged stormwater, including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources;
- (10) Provide the framework for the administration, implementation, and enforcement of the provisions of the Virginia Erosion and Sediment Control Act and Virginia Stormwater Management Act and their attendant regulations by the City;
- (11) Establish a local Virginia Stormwater Management Program (VSMP) consistent with the requirements of §62.1-44.15:27 of the Code of Virginia;
- (12) Establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced; and
- (13) Establish the procedures and requirements to be followed in connection with land disturbance permits and VSMP authority permits issued by the City.

SECTION 9-4. RULES OF CONSTRUCTION.

This Chapter protects paramount public interests and shall be liberally construed to effectuate its several purposes. The following rules of construction shall apply in the construction of this Chapter, unless such application would be contrary to the purposes of this Chapter or the context clearly indicates otherwise:

- (1) All references to any statute, ordinance, regulation, guideline, handbook, manual or standard shall be to such statute, ordinance, regulation, guideline, handbook, manual or standard as it exists on the date of adoption of this Chapter and includes any amendment thereafter or reissue in a subsequent edition.
- (2) Any reference to "this Article," "Article II," "Article III," or "Article IV"

WATER PROTECTION

shall include references to all applicable references of Article I. (3) All references to “days” shall be to calendar days.

- (4) All references to a “fee schedule” shall mean and refer to a schedule of the fees and charges associated with the various applications, inspections, permits and approvals required by this Chapter, as approved and amended by the City Council from time to time. All required fees shall be made payable to the City Treasurer.

SECTION 9-5. DEFINITIONS.

The following terms, whenever used or referred to in this Chapter, shall have the respective meanings set forth below, unless the context clearly requires a contrary meaning or any such term is expressly defined to the contrary elsewhere in this Chapter:

Administrator or Program Administrator means the City Engineer for the City of Winchester, Virginia.

Agreement in lieu of a plan means a contract between the program authority and the owner which specifies conservation measures which must be implemented in the construction of a single family residence; this contract may be executed by the program authority in lieu of a formal erosion and sediment control plan.

Agreement in lieu of a stormwater management plan means a contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.

Applicant means any person submitting a plan for approval, or applying for or requesting the issuance of a permit, when required, under this Ordinance authorizing land disturbing activities to commence.

Authorized City Official means includes any officer or employee of the department of Public Services and Engineering authorized by the City Engineer to act pursuant to this Chapter, except for where the context clearly indicates otherwise.

Best management practices (“BMP’s”) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices and facilities, both structural and nonstructural, to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, ~~receiving waters, or~~ stormwater conveyance systems, and other receiving waters, including surface waters and groundwater. BMP’s also include treatment practices, operating procedures, and practices to control site runoff, stormwater discharges from land disturbing activities, spillage or leaks, or combination of practices that is determined by the Commonwealth of Virginia, ~~a designated area wide planning agency,~~ or the program authority, to be the most effective, practical means of preventing or reducing

WINCHESTER CODE

the amount of surface water runoff and pollution generated by nonpoint sources to a level compatible with water quality goals.

Board or State Board means: (i) as used in Article I, the ~~Virginia Soil and Water Conservation Board~~, and (ii) as used in Article II, the ~~Virginia Board of Conservation and Recreation~~ State Water Control Board.

Certified inspector means an employee or agent of the program authority implementing the City's local erosion and sediment control program or stormwater management program who (1) holds a certificate of competence from the Virginia ~~Soil and Water Conservation~~ State Water Control Board in the area of project inspection or (2) is enrolled in that Board's training program for project inspection and successfully completes such program within one (1) year after enrollment.

Certified plan reviewer means an employee or agent of the program authority implementing the City's local erosion and sediment control program or stormwater management program, who (1) holds a certificate of competence from the Virginia ~~Soil and Water Conservation~~ State Water Control Board in the area of plan review, (2) is enrolled in that Board's training program for plan review and successfully completes such program within one (1) year after enrollment, or (3) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Virginia Code § 54.1-400, et seq.

Certified program administrator means an employee or agent of the program authority implementing the City's local erosion and sediment control program or stormwater management program who (1) holds a certification of competence from the Virginia ~~Soil and Water Conservation~~ State Water Control Board in the area of program administration, or (2) is enrolled in that Board's training program for program administration and successfully completes such program within one (1) year after enrollment.

Channel means a natural stream or human-made waterway.

City means the City of Winchester, Virginia.

Clean Water Act (CWA) means the Federal Water Pollution Control Act (33 U.S.C. §-1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, and any subsequent amendments thereto.

Common plan of development or sale means a contiguous area where separate and distinct construction activities occur at different times or according to different schedules.

Conservation plan, ~~erosion and sediment control plan or plan and specifications~~ means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with necessary interpretations, and a record of

WATER PROTECTION

decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Conservation standards, criteria or specifications means the criteria, guidelines, techniques, and methods for the control of erosion and sedimentation whether promulgated by the program authority or contained in (1) the Virginia Erosion and Sediment Control Handbook and other regulations promulgated by the Virginia ~~Soil and Water Conservation~~State Water Control Board or (2) the Stormwater Management Handbook and other regulations promulgated by the Virginia ~~Department of Conservation and Recreation~~Department of Environmental Quality.

Construction record drawing means a drawing or plan showing the exact dimensions, geometry, and location of completed stormwater management facilities.

Control measure means any best management practice or stormwater management facility, or other method used to minimize the discharge of pollutants to state waters.

DEQ or VDEQ means the Virginia Department of Environmental Quality.

Development, land development and land development project as used within this Chapter each refer to any manmade change to, or construction on, a land surface that potentially changes its runoff characteristics, or the landform resulting from any such manmade change to the land surface or associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures, or the clearing of land for purposes other than agricultural or silviculture. A land disturbing activity as defined herein shall be considered land development for the purposes of administering this Chapter.

Director, for the purposes of Article V of this Chapter, shall mean and include the City's Director of Public Utilities or the City Engineer, and the employees and agents authorized by either of them to exercise authority or to take enforcement action under the provisions of Article V.

Discharge means to dispose, deposit, spill, pour, inject, dump, leak or place by any means, and also refers to that which is disposed, deposited, spilled, poured, injected, dumped, leaked or placed by any means.

Drainage Basin means a watershed.

Erosion and sediment control plan means a document which sets forth the major soil and water resources conservation measures that will be implemented to assure that the unit or units of land will be so treated to achieve the conservation objectives of this Chapter, and which may also include appropriate illustrations in the form of maps or a site plan, and appropriate narratives, such as a soil and water plan inventory and management information with needed interpretations, a record of decisions contributing to conservation treatment,

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and any specifications submitted with the plan.

Erosion impact area means an area of land not associated with current land disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of five thousand (5,000) square feet or less used for residential purposes.

General Permit means the state permit titled “General Permit for Discharges of Stormwater from Construction Activities” found in 9VAC25-880-1 et seq. of the regulations authorizing a category of discharges under the federal Clean Water Act and the Virginia Stormwater Management Act within a geographical area of the Commonwealth of Virginia.

Illegal discharge and *illicit discharge* each means and refers to any discharge to the City’s municipal separate storm sewer system (“MS4”) that is not composed entirely of stormwater, except: (i) discharges pursuant to a Virginia Pollutant Discharge Elimination System (VPDES) permit; (ii) discharges resulting from firefighting activities; and (iii) any discharges specifically authorized within Article V of this Chapter.

Illicit connection means either of the following: (i) any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by the Program Authority; or (ii) any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records approved by the Program Authority.

Land *disturbance* or *land disturbing activity* means a man-made change to the land surface that potentially changes its runoff characteristics, or any such land change which may result in soil erosion from water or wind and the movement of sediments into waters or onto lands in the City or adjacent jurisdictions, including, but not limited to, clearing, grading, excavating, transporting and filling of land, ~~except provided~~ that the term shall not include the exempt activities set forth in Sec. 9-50 for purposes of administering Article III of this Chapter, and provided further that, for the purposes of administering Article II of this Chapter, the term shall not include :

- (1) Minor land disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work that ~~are disturb~~ less than five thousand (5,000) square feet;
- (2) Installation, maintenance or repair of any ~~other~~ underground public utility mains or lines, when such activity occurs on an existing hard surfaced road, street or sidewalk and the land disturbing activity is confined to the area of the road, street or sidewalk which is hard surfaced;
- (3) Construction, installation, maintenance or repair of any type of individual utility service connections;
- (4) Septic tank lines or drainage fields unless included in an overall plan for land

WATER PROTECTION

- disturbing activity relating to construction of a building to be served by a septic tank system;
- (5) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
 - (6) Disturbed land areas of less than five thousand (5,000) square feet in size;
 - (7) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
 - (8) Emergency work to protect life, limb or property, and emergency repairs; however, if the land disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be ~~shaped and established~~ stabilized in accordance with the requirements of the Virginia Erosion and Sediment Control Handbook;
 - (9) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1 of the Code of Virginia;
 - (10) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the Board in regulation, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§10.1-1100 et seq.) of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in subsection B of §10.1-1163 of the Code of Virginia; and
 - (11) Agricultural engineering operations, including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act, Article 2 (§10.1-604 et seq.) of Chapter 6, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation.

Layout means a conceptual drawing containing sufficient information, as determined by the program administrator, to provide for the specified stormwater management facilities required at the time of approval.

Linear development means a land development that is linear in nature, such as (but not limited to): (i) the construction of electric and telephone utility lines and natural gas pipelines; (ii) the construction of railroad tracks, rights-of-way, bridges, communication facilities and related facilities; and (iii) highway construction projects.

Local erosion and sediment control program means an outline of the various methods employed by the City to regulate land disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program, including, without limitation, City

WINCHESTER CODE

ordinances, policies and guidelines, technical materials, inspection, enforcement and evaluation.

Minor modification means an amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter general permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

Mitigation plan means a plan, a component of a stormwater management/BMP plan, erosion and sediment control plan, or an agreement in lieu of a plan that describes how encroachments into a stream buffer will be mitigated through runoff treatment, re-vegetation, the addition of extra buffer areas, or other appropriate measures.

Municipal Separate Storm Sewer System (MS4) means the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City of Winchester and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage.

Nonpoint source pollution means pollution whose sources cannot be pin-pointed but rather is washed from the land surface in a diffuse manner by stormwater runoff.

Operator means the owner or operator of any facility or activity subject to regulation under this Ordinance

Owner means the owner of the freehold of land, or the owner of a lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person in control of a property. As used herein, *owner* also refers to, in the appropriate context: (i) any person authorized to act as the agent for the owner, (ii) any person who submits an erosion and sediment control plan or stormwater management plan for approval, or requests issuance of a permit, when required, authorizing land disturbing activities or land development to commence, and (iii) any person responsible for complying with an approved erosion and sediment control plan, agreement in lieu of a plan, or an approved stormwater management plan.

Permit means any building permit, grading permit, VSMP Authority Permit, or other permit, including the approval of any site plan or subdivision plat, which is required to be issued by any board, commission, officer, employee or agency of the City as a prerequisite to any land development.

Permittee means (i) the person to whom a permit authorizing land disturbing activities is issued, (ii) the person who certifies that an approved erosion and sediment control plan will

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be followed, ~~or~~ (iii) the person who certifies that an approved stormwater management plan will be followed, or (iv) the person to whom the VSMP Authority Permit is issued.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state, county, City, town or other political subdivision of this state, federal, state, or local governmental body, ~~any~~ interstate body, or any other legal entity.

Plan Approving Authority means the City Engineer of the City of Winchester, Virginia, who is responsible for determining the adequacy of a plan submitted for land disturbing activities on a unit or units of land and for approving plans.

Pollutant refers to, without limitation, paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances and accumulations; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues resulting from construction of a building or structure; noxious or offensive matter of any kind; and other, similar substances that cause or contribute to water pollution.

~~*Program Administrator* means the City Engineer for the City of Winchester, Virginia.~~

Program Authority means the department of Public Services and Engineering. Except for where the context clearly indicates otherwise, the term “program authority” includes any officer or employee of the department of Public Services and Engineering authorized by the City Engineer to act pursuant to this Chapter.

~~*Public waters* means and refers to the waters refers to the public waters and waterways of the United States and of the Commonwealth of Virginia.~~

Redevelopment for purposes of this Chapter means and refers to construction of buildings and structures as replacement(s) for existing improvements.

Regulations means the Virginia Stormwater Management Program (VSMP) Regulations, 9VAC25-870, as amended, unless otherwise specified.

Residential development means a tract or parcel of land developed or to be developed as a single unit under single ownership or unified control, and which is to contain three or more residential dwelling units.

Site means the land or water area where any facility or land disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land disturbing activity.

State means the Commonwealth of Virginia.

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State Board or Board means the Virginia State Water Control Board.

State permit means an approval to conduct a land-disturbing activity issued by the Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the Board for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the Virginia Stormwater Management Program (VSMP) Regulations.

State Water Control Law means Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

State waters means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

Storm sewer system means the City's municipal system of roads, streets, catch basins, retention and detention basins, curbs, gutters, ditches, pipes, lakes, ponds, channels, storm drains and other facilities located within the City which are designed or used for collecting, storing or conveying stormwater, or through which stormwater is collected, stored or conveyed.

Stormwater means any surface flow, runoff and drainage consisting of water discharged across the land surface, or through conveyances, to one or more waterways, from any form of natural precipitation.

Stormwater management facility maintenance agreement means an agreement that binds the owner or other designated parties to maintain and inspect stormwater management facilities constructed in accordance with this Chapter, based on specific terms and conditions of the agreement.

Stormwater management plan means a document containing material that describes how existing runoff characteristics will be maintained within a land development project, that describes controls for the management of the rate of stormwater discharge, and that describes any best management practices provided for water quality protection. A stormwater management plan may include a narrative section, a map or site plan, pertinent calculations and specifications included with the plan.

Stormwater Pollution Prevention Plan or SWPPP means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site. In addition the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

Stream buffer means an area of land at or near a tributary streambank and/or nontidal

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wetland that has an intrinsic water quality value due to the ecological and biological processes it performs or is otherwise sensitive to changes which may result in significant degradation to the quality of state waters.

Subdivision means the division, including resubdivision, of any lot, tract or parcel of land into two (2) or more lots, tracts or parcels, for the purpose, whether immediate or future, of sale or building development.

Total maximum daily load or TMDL means a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that load among the various sources of that pollutant in accordance with the requirements of the federal Clean Water Act. TMDLs include the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

Virginia Stormwater BMP Clearinghouse website means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

Virginia Stormwater Management Act means Article 2.3 (§62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

Virginia Stormwater Management Program or VSMP means a program approved by the Board after September 13, 2011 that has been established by a locality to manage the quality and quantity of runoff resulting from land-disturbing activities. A VSMP shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, and evaluation consistent with the requirements of the Virginia Stormwater Management Act and associated regulations.

Virginia Stormwater Management Program Authority or VSMP Authority means an authority approved by the Virginia State Water Control Board after September 13, 2011 to operate a Virginia Stormwater Management Program.

Virginia Stormwater Management Program (VSMP) authority permit means an approval issued by the Administrator to initiate a land disturbing activity pursuant to the requirements of Article III of this Chapter, and which may only be issued after evidence of general permit coverage has been provided by the DEQ.

Watershed means a defined land area drained by a river, stream or drainage ways, or system of connecting rivers, streams, or drainage ways such that all surface water within the area flows through a single outlet.

Wetlands, non-tidal means wetlands other than tidal wetlands that are inundated or saturated

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by surface or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to section 404 of the Federal Clean Water Act.

(Ord. No. 2011-21, 10-11-11)

SECTION 9-6. DESIGNATION OF PROGRAM AUTHORITY; POWERS AND DUTIES.

- (a) The City Council hereby designates the ~~department~~ Department of Public Services and Engineering as the program authority for the purposes of administering Articles II, III, and IV of this Chapter.
- (b) The program authority shall administer and enforce the provisions of this Chapter, acting by and through authorized City officials and employees.
- (c) The program authority shall establish reasonable regulations and interpretive guidelines for the administration of this Chapter. Such regulations and guidelines shall be consistent with this Chapter and all applicable Federal and Commonwealth of Virginia statutes and regulations (~~including, without limitation, the provisions of Va. Code §9.1-570 and §10.1-603.7, and they~~ shall be subject to the approval of City Council).
- (d) ~~Within one year of the date of adoption of this Chapter~~ The program authority shall assure-ensure that the erosion and sediment control program set forth in Article II is administered by a certified program administrator, a certified plan reviewer, and a certified project inspector. The program authority shall also ensure that the stormwater management program set forth in Article III is administered by a certified program administrator, certified plan reviewer, and a certified project inspector not later than June 30, 2014. Such positions may be filled by the same person.
- (e) The program authority shall take appropriate enforcement actions to achieve compliance with this Chapter, and shall maintain a record of enforcement actions for all active land disturbing activities and land developments.
- (f) The program authority is authorized to cooperate with any federal or state agency in connection with plans for erosion and sediment control or stormwater management. The program authority may also recommend to the City ~~manager~~ Manager any proposed agreement with such agency for such purposes, which agreement shall be executed, if at all, by the City ~~manager~~ Manager on behalf of the City.

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SECTION 9-7. SAVING PROVISION.

The adoption of this Chapter shall not abate any pending action, liability, or penalty of any person accruing or about to accrue, nor waive any right of the City under any provision in effect prior to the date of adoption of this Chapter, unless expressly provided for in this Chapter. Any erosion and sediment control plan, runoff control permit and, to the extent they pertain to stormwater management, any final site plan or plat, approved prior to the date of adoption of this Chapter shall remain in full force and effect, and all rights and remedies of the City in enforcing such plans, permits and plats are hereby preserved.

SECTION 9-8. APPEALS FROM DECISIONS UNDER THIS CHAPTER; HEARINGS ON APPEAL.

- (a) Any person who is aggrieved by any action, inaction or decision of the program authority pursuant to this Chapter shall have the right of review of such action by the City Council. Any such appeal shall be filed in writing with the clerk of the City Council within ~~ten (10)~~thirty (30) days of the date of such action, inaction or decision.
- (b) An appeal received by the City Council pursuant to this section shall be referred to the planning commission for review and findings of fact. The planning commission shall review the appeal at its next regular meeting following the date the notice of appeal is received by the clerk of council, and shall report its findings to City Council. The City Council shall review the appeal within thirty (30) days after the date of the planning commission meeting at a regular or special meeting of the Council.
- (c) The City Council shall consider evidence presented by the owner, the program authority, and any other aggrieved person and such other persons as shall be deemed necessary by the Council for a complete review of the matter. The Council shall render its decision in writing and may affirm, reverse or modify the program authority's decision. The Council's decision shall constitute the final decision of the City on the matter(s) which are the subject of the appeal.
- (d) Any person aggrieved by a final decision of the City Council pursuant to this section shall have the right of review of such decision by the Circuit Court of the City. Any such appeal shall be filed in writing with the Circuit Court within thirty (30) days of the Council's final decision.
- (e) For the purposes of this section, "aggrieved person" is limited to the owner, a permittee, owners of adjacent and downstream property and any interested governmental agency or officer thereof.
- (f) Formal hearings conducted pursuant to this Chapter shall comply with all applicable provisions of §62.1-44.15:45 and §62.1-44.26 of the Code of Virginia.

Any person who is aggrieved by any action of the program authority because of its disapproval of a plan submitted pursuant to this Article, or in the interpretation of the

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provisions of this Article, shall have the right to apply for and receive a review of such action by the City Council, as provided herein:

- (a) An appeal shall be filed in writing with the clerk of the board of supervisors within thirty (30) days of the date notice of the action is given by the program authority or, if an exception to the requirements of this Article as provided in section 17-308 is requested and denied, within thirty (30) days of the date notice of the denial of such exception. Notice shall be deemed to be given on the date that it is mailed or is hand delivered.
- (b) When reviewing the program authority's action, the City Council shall consider evidence and opinion presented by the aggrieved person, the program authority, and such other persons as shall be deemed by the City Council to be necessary for a complete review of the matter. The City Council may affirm, reverse or modify the program authority's action. The decision of the City Council shall be final, subject only to review by the Circuit Court as provided in Virginia Code § 10.1-603.13.
- (c) For the purposes of this section, the term *person aggrieved* shall be limited to the owner, owners of adjacent or down stream property, and any interested governmental agency or officer thereof.

SECTION 9-9. COMPLIANCE WITH CHAPTER PREREQUISITE TO ISSUANCE OF PERMITS AUTHORIZING LAND DEVELOPMENT ACTIVITIES PERFORMANCE GUARANTEE; SURETY.

~~A grading, building or other permit for~~ A permit for activities involving land disturbing activities pursuant to Section 9-20 and Section 9-50 of this Chapter may be issued by the program authority only as provided herein:

- ~~(a) The owner shall submit with his application for such permit a proposed erosion and sediment control plan and/or stormwater management plan, as may be required by this Chapter, for review and approval pursuant to this Article, or an approved erosion and sediment control plan and/or stormwater management plan and certification that the plan(s) will be followed. A permit shall not be issued until all such required plans have been approved and the required certification(s) are submitted.~~
- ~~(b)~~ (a) Prior to issuing a any such permit, the permit-issuing department program authority shall require, or in the case of an agreement in lieu of a plan may require, the owner to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the program authority, to ensure that measures could be taken by the City at the applicant's expense, should he/~~she~~ fail, after proper notice, within the time specified to initiate or maintain appropriate corrective action which may be required of him/~~her~~ by the approved plan as a result of his land disturbing activity.

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(eb) A bond or other surety shall not exceed the total of the estimated cost to initiate, maintain and repair all erosion and sediment control and/or stormwater management practices, facilities, structures, systems, and control measures identified within on anthe approved plan(s), and to comply with all other terms and conditions of the plan(s). In addition:

- (1) The amount of the bond or other surety shall be based on unit prices for new public or private sector construction in the City of Winchester, Virginia, and a reasonable allowance for estimated administrative costs and inflation which shall not exceed 25% of the estimated cost to initiate, maintain and repair all structures, systems, and measures identified within an approved plan, and to comply with all other terms and conditions of the plan.
- (2) The performance bond or other surety shall be provided from a date prior to the issuance of any permit until 60 days after the requirements of the approved stormwater management plan have been completed, as determined by the program authority.
- (3) If approved by the program authority, the owner may submit the performance bond or other surety as part of, or included in, any performance bond or surety required in connection with a site plan, subdivision plat or other required approval.

(dc) If the program authority is required to take corrective action pursuant to this Article, then the City may collect from the owner the amount by which the reasonable cost of such corrective action exceeds the amount of the surety.

(ed) Within sixty (60) days of the achievement of adequate stabilization of the land disturbing activity, or section thereof, in any land development project in accordance with the approved erosion sediment control plan or section thereof, the bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the owner or terminated based upon the percentage of stabilization accomplished in the project or section thereof.

(e) Within sixty (60) days of the completion of the requirements of the approved stormwater management plan, as determined by the program authority, the bond or other surety, or any unexpended or unobligated portion thereof, shall be refunded to the owner or terminated. Thereafter, compliance with the requirements of this Article shall be ensured by a maintenance agreement entered into by and between the owner and the program authority in accordance with Section 9-63.

SECTIONS 9-10 – 9-19. RESERVED.

ARTICLE II. EROSION AND SEDIMENT CONTROL

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DIVISION 1. IN GENERAL

SECTION 9-20. PERMIT REQUIRED FOR LAND DISTURBING ACTIVITIES.

No person shall engage in any land disturbing activity within the City until he has acquired a permit from the Program Administrator.

SECTION 9-21. DETERMINATION OF LAND DISTURBING ACTIVITY.

The determination of whether an activity is a land disturbing activity for purposes of this Article shall be made as provided herein:

- (a) The program authority shall determine whether an activity is a land disturbing activity, including any claim by an owner that the activity is exempt from the requirements of this Article.
- (b) If a land disturbing activity includes activity at a separate location, including but not limited to borrow and disposal areas, the program authority may either:
 - (1) Consider the off-site activity as being part of the land disturbing activity, and require an erosion and sediment control plan to be submitted and approved; or
 - (2) If the off-site activity is already covered by an erosion and sediment control plan approved by the City, require the owner to provide proof of the approval and to certify that the plan will be implemented in accordance with this Article.
- (c) If a property will be developed in phases, the determination of whether an activity constitutes a land disturbing activity shall be determined by considering the development of the property as a whole, regardless of the phasing of the development.
- (d) Land disturbing activity of less than 5,000 square feet on individual lots in a residential development shall not be exempt from this Article if the total land disturbing activity in the residential development is equal to or greater than 5,000 square feet.
- (e) Upon the determination by the program authority that an activity is a land disturbing activity the owner shall immediately comply with the requirements of this Article.

SECTION 9-22. DETERMINATION OF EROSION IMPACT AREA.

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The determination of whether an erosion impact area exists on property shall be rendered as provided herein:

- (a) The program authority shall determine whether an erosion impact area exists on a property and the property and the owner thereof are subject to the requirements of this Article. The program authority shall make this determination after an investigation brought either on his own initiative or upon the complaint of any citizen.
- (b) Upon making a determination that an erosion impact area exists, the program authority shall immediately notify the owner of the property, in writing, of its determination. The notice shall be served by certified mail to the address of the owner based on the most recent tax records of the City, or by personal delivery. The written notice shall (i) instruct the owner to submit an erosion and sediment control plan for review and approval as provided in this Article, and (ii) state the date by which the plan must be submitted.
- (c) Upon receipt of the notice required by this section, the owner shall immediately submit to the program authority a conservation plan designed to prevent further erosion, and the owner shall in all other aspects comply with the requirements of the notice and of this Article. The owner shall not permit any portion of the land that is the subject of the notice to remain in a condition such that soil erosion and sedimentation causes reasonably avoidable damage or harm to adjacent or downstream property, roads, streams, lakes or ponds.
- (d) For good cause shown, the program authority may grant to an owner an extension of time to comply with the requirements of this section and this Article.

SECTIONS 9-23 – 9-29. RESERVED.

DIVISION 2. EROSION AND SEDIMENT CONTROL PLAN FOR LAND DISTURBING ACTIVITIES

SECTION 9-30. APPLICABILITY.

This Article shall apply to any land disturbing activity. Each owner shall comply with the requirements of this Article, as provided herein:

- (1) Prior to engaging in any land disturbing activity, or allowing any land disturbing activity to occur, on his property;
- (2) At all times during any land disturbing activity until it is completed, including all times

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- when the land disturbing activity is performed by a contractor engaged in construction work; and
- (3) When notified by the program authority that an erosion impact area exists on his land, and the notice requires the owner to submit an erosion and sediment control plan in order to control erosion and sedimentation.

SECTION 9-31. RESPONSIBILITIES OF OWNER OF LAND WHEN WORK TO BE CONDUCTED BY CONTRACTOR.

Whenever a land disturbing activity is proposed to be conducted by a contractor performing construction work pursuant to a construction contract, the preparation, submission and approval of the required erosion and sediment control plan shall be the responsibility of the owner of the land.

SECTION 9-32. CONFORMITY TO COMMONWEALTH OF VIRGINIA HANDBOOK.

Except as modified below, all plans and specifications submitted under this Article shall be in conformance with the standards, specifications and criteria of the Virginia Erosion and Sediment Control Handbook and those regulations promulgated by the Virginia ~~Soil and Water Conservation~~ State Water Control Board, including, without limitation, the criteria, techniques and methods set forth in ~~4VAC50-30-409~~ VAC25-840-40, as amended. ~~—T, provided that~~ the following subsections ~~are hereby changed~~ of ~~VAC 50-30-409~~ VAC25-840-40 of the Virginia Erosion and Sediment Control Regulations shall not apply to land disturbing activities regulated pursuant to this article:

- (1) The provision found in Subsection 19b. (1) ~~is deleted.~~

SECTION 9-33. REVIEW AND INSPECTION FEE.

A ~~plan review and inspection~~ fee shall be submitted at the time of filing any erosion and sediment control plan or application for a permit pursuant to this article. This fee shall be an amount as set forth ~~within the most recent fee schedule approved by City Council~~ below:

| | |
|------------------------------------------------------|----------------------------------------|
| <u>Site Plans:</u> | <u>\$300 + \$50 per disturbed acre</u> |
| <u>Subdivision Plans:</u> | <u>\$400 + \$50 per disturbed acre</u> |
| <u>Single Family Residences</u> | |
| <u>(With An Agreement in Lieu of a Plan):</u> | <u>\$50 per building unit</u> |
| <u>Land Disturbance not associated with a Site</u> | |
| <u>Plan, Subdivision Plan or Single Family Home:</u> | <u>\$200 -</u> |

SECTION 9-34. EROSION AND SEDIMENT CONTROL PLAN.

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Each owner subject to this Article shall submit to the program authority for review and approval an erosion and sediment control plan as provided herein:

- (a) The owner shall submit a completed application on a form provided by the program authority, together with three (3) copies of an erosion and sediment control plan that satisfies the requirements of this section, and a certification stating that all requirements of the approved plan will be complied with.
- (b) The plan shall include specifications for temporary and permanent controls of soil erosion and sedimentation in such detail as the program authority shall deem reasonably adequate, considering the nature and extent of the proposed land disturbing activity, and a statement describing the maintenance responsibilities of the owner to assure that the land disturbing activity will satisfy the purposes and requirements of this Article. As a minimum, the plan shall follow the format and conform to the approved standards and specifications for control techniques as set forth in the "Virginia Erosion and Sediment Control Handbook", which by reference is adopted as a part of this Chapter. The plan shall be consistent with the criteria, techniques and methods as set forth in the Minimum Standards (~~9VAC25-840-40~~§ 4 VAC 50-30-40) of the Virginia Erosion and Sediment Control Regulations adopted by the Virginia ~~Soil and Water~~State Water Control Conservation Board. The plan shall identify the person holding a certificate of competence, as described in Virginia Code § ~~10.1-561~~62.1-44.15:58, who shall be in charge of and responsible for carrying out the land disturbing activity.
- (c) The program authority may require additional information as may be necessary for its complete review of the plan.
- (d) In lieu of paragraphs (a)-(c), above, if the land disturbing activity involves land also under the jurisdiction of another local erosion and sediment control program, the owner may, at his option, choose to have a conservation plan approved by the Virginia ~~Department of Conservation and Recreation~~Department of Environmental Quality-
Division of Soil and Water Conservation. The owner shall notify the program authority of such plan approval by such board.
- (e) Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment control specifications annually with the Board for review and written comments. The specifications shall apply to:
 - (1) Construction, installation or maintenance of electric, natural gas and telephone utility lines, and pipelines; and;
 - (2) Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.

Individual approval of separate projects within subdivisions 1 and 2 of this subsection is

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not necessary when Board approved specifications are followed, however, projects included in subdivisions 1 and 2 must comply with Board approved specifications. Projects not included in subdivisions 1 and 2 of this subsection shall comply with the requirements of the City of Winchester erosion and sediment control program.

- (f) State agency projects are exempt from the provisions of this ordinance except as provided for in the Code of Virginia, Sec. ~~10.1-564~~62.1-44:56.

(Ord. No. 2007-21, 07-10-07)

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SECTION 9-35. REVIEW AND APPROVAL OF EROSION AND SEDIMENT CONTROL PLAN.

Each erosion and sediment control plan submitted pursuant to this Article shall be reviewed and approved as provided herein:

- (a) The plan shall be reviewed by the program authority to determine its compliance with the requirements of this Article and with applicable Commonwealth of Virginia laws and regulations.
- (b) During its review of the plan, the program authority may correspond with the owner from time to time to review and discuss the plan with the owner, and shall inform the owner in writing of any modifications, terms, or conditions required to be included in the plan in order for it to be approved.
- (c) Except as provided in paragraph (d), below, the program authority shall approve or disapprove a plan in writing within forty-five (45) days from the date a complete application was received. The decision of the program authority shall be based on the plan's compliance with the requirements of this Article and with applicable Commonwealth of Virginia laws and regulations. If the plan is disapproved, the specific reasons for such disapproval (with reference to the relevant ordinances, laws or regulations) shall be stated in the decision. The decision shall be communicated to the applicant by mail or delivery.
- (d) If the program authority fails to act on the plan within 45 days from the date the complete application was received by it, then the plan shall be deemed approved.
- (e) If the owner is required to obtain approval of a site plan or subdivision plat, the program authority shall not approve an erosion and sediment control plan unless and until the site plan or plat is approved as provided by law. For purposes of this paragraph, a site plan or plat may be deemed approved by the program authority if its approval is conditioned upon the approval of an erosion and sediment control plan pursuant to this Article, and the program authority determined that review and approval of the erosion and sediment control plan will not affect approval of the site plan or plat. The program authority may approve an erosion and sediment control plan prior to approval of a required site plan or plat in the following circumstances:
 - (1) To correct any existing erosion or other condition conducive to excessive sedimentation which is occasioned by any violation of this Chapter or by accident, act of God, or other cause beyond the control of the owner, provided that the activity proposed shall be strictly limited to the correction of such condition;
 - (2) To clear and grub stumps and other activity directly related to the

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- selective cutting of trees, as may be permitted by law;
- (3) To fill earth with spoils obtained from grading, excavation or other similar, lawful activities;
 - (4) To construct temporary access roads, provided that the area disturbed shall be returned to substantially its previous condition, with no significant change in surface contours, within thirty (30) days of the completion of such temporary use, or within thirteen (13) months of the commencement of any land disturbing activity on the land which is related to such temporary use, whichever period shall be shorter.
 - (5) To establish burrow, fill, or waste areas, if permitted by the City's zoning ordinance.

SECTION 9-36. AGREEMENT IN LIEU OF A PLAN.

- (a) If land disturbing activity is for the purpose of establishing or modifying a single family detached dwelling, the program authority may allow an agreement in lieu of a plan for the construction of such dwelling, provided:
 - (1) The single family dwelling is located on an individual lot which is not part of a subdivision; or
 - (2) The single family dwelling is located within a residential development or subdivision, and the individual lots are being developed by different property owners; or
 - (3) The single family dwelling is located within a subdivision that no longer has an active erosion and sediment control plan; and
 - (4) The agreement in lieu of a plan identifies the person holding a certificate of competence, as described in Virginia Code [62.1-44.15:5810.1-561](#), who shall be in charge of and responsible for carrying out the land disturbing activity.
- (b) In determining whether to allow an agreement in lieu of a plan, the program authority shall include as part of its consideration the potential threat to water quality and to adjacent land resulting from the land disturbing activity. When an agreement in lieu of a plan is authorized and approved by the program authority, the program authority and the owner shall have all of the rights, responsibilities and remedies set forth in this Article as though such agreement in lieu of a plan was an erosion and sediment control plan.
- (c) At the discretion of the program authority a bond may be required in an amount not to exceed Ten Thousand Dollars (\$10,000.00) to cover potential threats to water quality. (Ord. No. 2011-21, 10-11-11)

SECTION 9-37. AMENDMENT OF APPROVED PLAN.

The program authority may change an approved erosion and sediment control plan,

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and/or require an owner to submit an amended plan, in the following circumstances:

- (1) An inspection reveals that the plan is inadequate to satisfy the requirements of this Article; or
- (2) The owner finds that, because of changed circumstances or for other reasons, the approved plan cannot be effectively carried out and proposed amendments to the plan, consistent with the requirements of this Article are agreed to by the program authority and the owner; or
- (3) The land disturbing activity was not commenced during the one hundred eighty (180) day period following plan approval, or ceased for more than one hundred eighty (180) days, and the existing plan has been evaluated to determine whether it still satisfies the requirements of this Article and Commonwealth of Virginia erosion and sediment control criteria and to verify that all design factors are still valid, and it has been determined that the plan is inadequate. In such a case, the land disturbing activity shall not be resumed until a modified plan is submitted and approved as provided in this Article.

SECTION 9-38. DUTY TO COMPLY, MAINTAIN AND REPAIR.

Upon approval by the program authority of an erosion and sediment control plan, each owner shall:

- (1) Comply with the approved plan when performing, or allowing to be performed, any land disturbing activities, or activities to correct an erosion impact area;
- (2) Maintain and repair all erosion and sediment control structures and systems to ensure continued performance of their intended function;
- (3) Comply with all requirements of this Article; and
- (4) Have a person holding a certificate of competence, as described in Virginia Code §~~62.1-44.15:5810.1-561~~, in charge of and responsible for carrying out the land disturbing activity. This person shall be designated prior to commencement of land disturbing activity.

(Ord. No. 2007-21, 07-10-07)

SECTION 9-39. INSPECTION AND MONITORING.

- (a) As a condition of approval of an erosion and sediment control plan, the program authority may require the owner to monitor and report to the program authority as provided herein:
 - (1) Any monitoring conducted shall be for the purpose of ensuring compliance with the erosion and sediment control plan, and to determine whether the measures required in the plan are effective in controlling erosion and sediment.
 - (2) The condition requiring monitoring and reporting shall state: (i) the

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method and frequency of such monitoring, and (ii) the format of the report and the frequency for submitting reports.

- (b) The program authority shall inspect any land disturbing activity or erosion impact area as provided herein:
- (1) The program authority shall conduct periodic inspections of land disturbing activities and erosion impact areas to determine compliance with the approved erosion and sediment control plan, and to determine whether such approved plan and permit as implemented are adequate to satisfy the requirements of this Article.
 - (2) Except as provided in paragraph (3), below, inspections shall be conducted (i) during or immediately following initial installation of erosion and sediment controls; (ii) at times indicated by Commonwealth of Virginia conservation standards; and (iii) upon completion of the land development project prior to the release of any surety. The inability of the program authority to conduct inspections within the time periods set forth within this paragraph shall not be deemed to be a failure of the program authority to perform a mandatory duty or a ministerial function, and no liability to the City, the program authority, or to any official or employee thereof shall arise therefrom.
 - (3) Notwithstanding paragraph (2), above, the program authority is authorized to establish an alternative inspection program which ensures compliance with an approved erosion and sediment control plan. Such alternative inspection program shall be: (i) approved by the Virginia ~~Soil and Water Conservation~~ State Water Control Board prior to implementation; (ii) established in writing; (iii) based on a system of priorities which, at a minimum, address the amount of disturbed project area, site conditions, and stage of construction; (iv) documented by inspection records; and (v) maintained and available for public review in the department of Public Services and Engineering.
 - (4) The program authority shall have the right to enter upon property subject to an erosion and sediment control plan for the purposes of conducting an inspection as provided in this section or an investigation pertaining to an erosion or sedimentation complaint. The owner shall be given notice of the inspection. Such notice may be either verbal or in writing.

SECTION 9-40. DETERMINATION OF NONCOMPLIANCE WITH PLAN.

Upon a determination by the program authority that an owner has failed to comply with an approved erosion and sediment control plan, the following procedures shall apply:

- (a) The program authority shall immediately serve upon the owner a written notice to comply. The notice shall (i) instruct the owner to take corrective measures immediately, when immediate action is necessary to prevent erosion or sedimentation

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- problems; (ii) state specifically the measures needed to come into compliance with the approved plan; and (iii) state a reasonable time for compliance. The notice shall be served by certified mail to the address provided by the owner in the application for approval of the plan, by personal delivery to the owner, or by personal delivery to an agent or employee at the site of the permitted activities who is supervising such activities.
- (b) If the owner fails to take corrective measures stated in the notice to comply within the time specified in the notice, the permit-issuing department may revoke any permit it has issued related to the land disturbing activity and the owner shall be deemed to be in violation of this Article. Furthermore, he shall be deemed to be in violation of this Chapter and shall be subject to the penalties provided by the Chapter.
 - (c) If the owner fails, within the time specified in the notice, to take the corrective measures for compliance stated in the notice, the program authority, upon finding that such action is reasonably necessary to protect the public health, safety and welfare, may take all corrective measures it deems necessary in order to protect the public health, safety and welfare, and shall be entitled to recover the expenses of such action from the owner.
 - (d) Upon receipt of a sworn complaint of a violation of this Article or of an approved erosion and sediment control plan, from the program authority, the Program Administrator may, in conjunction with or subsequent to a notice of violation, issue an order requiring that all or part of the land disturbing activity permitted on the site be stopped until the specified corrective measures have been taken or, if land disturbing activity has commenced without an approved plan, requiring that all of the land disturbing activity be stopped until an approved plan and any required permits have been obtained.
 - (1) Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands, sediment deposition in waters, or water quality problems within the watersheds of the Commonwealth, or where the land disturbing activity has commenced without an approved plan or any required permits, such an order may be issued whether or not the alleged violator has been issued a notice to comply. Otherwise, such an order may be issued only after the alleged violator has failed to comply with a notice to comply.
 - (2) A stop-work order shall be served in the same manner as a notice to comply, and it shall remain in effect for seven (7) days from the date of service, pending application by the enforcing authority or alleged violator for appropriate relief to the Circuit Court.
 - (3) If the alleged violator has not obtained an approved plan or any required permits within seven (7) days from the date of service of a stop-work order, the City Engineer may issue an order to the owner requiring that all construction or other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by certified mail to the address

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specified in the permit application.

- (4) The owner may appeal the issuance of any stop-work order to the Circuit Court.
- (5) Final decision of the Plan Approving Authority shall be subject to review by the Circuit Court of the City provided an appeal is filed within thirty (30) days from the date of the final written decision adversely affecting the rights, duties or privileges of the person engaging or proposing to engage in land disturbing activity.
- (6) Any person violating or failing, neglecting or refusing to obey an order issued by the City Engineer may be compelled in a proceeding instituted in the Circuit Court to obey the order and to comply therewith, by injunction, mandamus or other appropriate remedy.
- (7) Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.
- (8) Nothing in this section shall prevent the Program Administrator from taking any other action authorized by this Chapter or by any other provision of law.

(Ord. No. 2011-21, 10-11-11)

SECTION 9-41. CERTIFICATION OF PROGRAM PERSONNEL.

As required by Commonwealth of Virginia law, the City's erosion and sediment control program shall meet, within one (1) year following the adoption of this section, the following minimum standards for effectiveness:

- (1) An erosion and sedimentation control plan shall not be approved until it is reviewed by a certified plan reviewer;
- (2) Inspections of land disturbing activity shall be conducted by a certified inspector; and
- (3) The City's erosion control program shall contain a certified program administrator, a certified plan reviewer and a certified project inspector, who may be the same person.

(Ord. No. 2011-21, 10-11-11)

SECTION 9-42. PENALTIES, INJUNCTIONS AND OTHER LEGAL ACTIONS.

- (a) Any person violating the provisions of this Article shall, upon conviction, be guilty of a Class 1 misdemeanor.
- (b) The following may apply to the Circuit Court for injunctive relief to enjoin a

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- (1) The City.
 - (2) The owner of property that has sustained damage or that is in imminent danger of being damaged; however, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the provisions of this Article, and the program authority, that a violation of this Article has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated this Article nor the program authority has taken corrective action within 15 days to eliminate the conditions which have caused, or create the probability of causing, damage to the owner's property.
- (c) In addition to any criminal penalties provided for a violation of this Chapter, any person who violates any provision of this Chapter may be liable to the City in a civil action for damages.
- (d) Each violation of any regulation or order of the Board, any provision of this Chapter, or any provision of ~~Title 10.1, Chapter 5, Article 4 of the Code of Virginia~~ the Virginia Erosion and Sediment Control Law and Regulations shall be subject to a civil penalty of one hundred dollars (\$100.00). Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall specified violations arising from the same set of facts result in civil penalties which exceed a total of three thousand dollars (\$3,000.00), except that a series of violations arising from the commencement of land disturbing activity without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000. An appropriate official or employee of the program authority, or a certified inspector for the City, may issue a summons for collection of the civil penalty and the action may be prosecuted by the City.
- (e) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000.00 for each violation. A civil action for such violation or failure may be brought by the City against such person.
- (f) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or order of the Program Administrator issued under this Chapter any condition of a permit issued under this Chapter or any provision of this Chapter, the Program Administrator may provide, in an order issued against such person, for the payment of civil charges for violations in specific sums, not to exceed \$2,000.00. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (d) or (e) of this section.

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- (g) Any civil penalties assessed by a court pursuant to this section shall be paid into the City treasury, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the Commonwealth of Virginia treasury.

(Ord. No. 2011-21, 10-11-11)

SECTIONS 9-43 -9-49. RESERVED.

ARTICLE III. STORMWATER MANAGEMENT AND WATER QUALITY

DIVISION 1. IN GENERAL

SECTION 9-50. STORMWATER MANAGEMENT PLAN; APPLICABILITY VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) AUTHORITY PERMIT; APPLICABILITY; EXEMPT ACTIVITIES.

- (a) Except as provided herein, no person may engage in any land-disturbing activity until a VSMP authority permit has been issued by the program authority in accordance with the provisions of this Article. In addition, no grading, building or other permit shall be issued, nor any site plan approved, for any property unless a VSMP authority permit has been issued by the program authority in accordance with the provisions of this Article. Each owner shall comply with the requirements of this Article prior to commencing any land development or land-disturbing activity, or allowing any land development or land-disturbing activity to occur, on his property, for residential, commercial, industrial or institutional use, and at all times thereafter.
- (b) No person may commence development of any land any land-disturbing activity until he has submitted a stormwater management/best management plan (BMP) all plans, agreements and documents required by this section to the City program authority and has obtained the City's program authority's approval of that all such plans, agreements and documents. No building permit, site plan approval or other permit for activities involving land development shall be issued by any City department or official, unless a stormwater management/BMP plan has been approved by the program authority consistent with the provisions of this division. No VSMP authority permit shall be issued unless:
- (1) A permit application on a form provided by the program authority has been submitted to the program authority, and the permit application has been reviewed and approved in accordance with the provisions of this Article. The applicant shall submit with his application for such permit certification by the owner that all land clearing, construction, land development and drainage will be performed according to the approved stormwater management plan or executed agreement

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- in lieu of a stormwater management plan, as applicable, and permit. No VSMP authority permit shall be issued unless and until the permit application and supporting documentation demonstrate, to the satisfaction of the program authority, that all land clearing, construction, disturbance, land development and drainage will be performed according to the approved permit;
- (2) An erosion and sediment control plan has been submitted and approved in accordance with the provisions of Article II of this Chapter, and a permit has been issued by the program authority for the land-disturbing activity in accordance with Section 9-20;
 - (3) A stormwater management plan, or executed agreement in lieu of a stormwater management plan, as applicable, has been submitted to the program authority and reviewed and approved in accordance with all applicable requirements of this Article;
 - (4) Evidence has been submitted to the program authority demonstrating that the applicant has applied for and obtained coverage under a general permit, including a completed general permit registration statement, if such statement is required, provided that neither a registration statement nor payment of DEQ's portion of the statewide permit fee established pursuant to that subdivision shall be required for coverage under the General Permit for Discharges of Stormwater from Construction Activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale;
 - (5) A performance guarantee or surety has been submitted to the program authority in accordance with Section 9-9;
 - (6) All fees required by this Chapter have been paid to the City; and
 - (7) If an operator intends to meet the water quality and/or quantity requirements set forth in Division 2 of this Article through the use of off-site compliance options as authorized under §62.1-44.15:35 of the Code of Virginia and 9VAC25-870-69 of the Virginia Administrative Code, then a letter of availability from the off-site provider must be provided to the program authority. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by §62.1-44.15:35 of the Code of Virginia.
- (c) Notwithstanding any other provisions of this Chapter, the following activities shall not be considered a land-disturbing activity for the purposes of administering the requirements of this Article and shall be exempt from the requirements of this Article:
- (1) Permitted surface or deep mining operation and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;
 - (2) Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the Board in the regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially

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- or naturally in accordance with the provisions of Chapter 11 (§10.1-1100 et seq.) of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in subsection B of §10.1-1163 of the Code of Virginia;
- (3) Single-family residences separately built and disturbing less than one (1) acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures;
 - (4) Land disturbing activities that disturb less than one (1) acre of land area, except activities that are part of a larger common plan of development or sale that is one acre or greater in disturbance;
 - (5) Discharges to a sanitary sewer or a combined sewer system;
 - (6) Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;
 - (7) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection; and
 - (8) Land-disturbing activities conducted in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VSMP authority shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with all applicable requirements of this Article is required within 30 days of commencing the land-disturbing activity.

(e) Notwithstanding any other provisions of this Article, the following activities are exempt from the requirements of this section:

- (1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;
- (2) Tilling, planting or harvesting of agricultural, horticultural, or forest crops;
- (3) Construction, extension or replacement of a building or buildings on a site of 5,000 square feet or less, not including cases where development is to be done in phases and the total land disturbance for all phases is greater than 5,000 square feet;
- (4) Land development or a portion of a land development on land which is designated as lying within a flood plain, except in cases where the flood plain has been modified by permitted fill or other activities in compliance with the zoning ordinance;
- (5) Land development or a portion of a land development where the land is adjacent to a flood plain, and the owner has demonstrated to the reasonable satisfaction of the program authority that off site improvements or other provisions for the disposition of surface water runoff would equally or better serve the public interest and safety, and that such method of disposition would not adversely affect downstream properties or stream channels; and
- (6) Any land development related to a final site plan or plat approved by the appropriate governing authority prior to the effective date of this Chapter.

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~~(b) Notwithstanding any other provisions of this Article, the following activities are exempt from the requirements of this section:~~

- ~~(1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;~~
- ~~(2) Tilling, planting or harvesting of agricultural, horticultural, or forest crops; and~~
- ~~(3) Single family dwelling units separately built and not part of a division of land, including additions or modifications to existing single family detached dwelling units, except if the land disturbance exceeds 5,000 square feet.~~

SECTION 9-51. STORMWATER MANAGEMENT/BMP PLAN; REQUIREMENTS/CONTENTS.

Except for land-disturbing activities considered exempt under Section 9-50(c), or activities for which an executed agreement in lieu of a stormwater management plan is authorized pursuant to the provisions of this Chapter, Each person subject to this Article shall submit to the program authority for review and approval a stormwater management/BMP plan as provided herein:

(a) Together with the required stormwater management/BMP plan, the owner of property proposed for development or redevelopment shall submit:

- (1) An application on a form provided by the program authority;
- (2) Any required application fee, as set forth within the most recent fee schedule approved by City Council.
- ~~(3) A certification stating that all land clearing, construction, land development and drainage will be done according to the approved plan;~~
- (4) Specifications for stormwater management and best management practices in order to satisfy the requirements of Division 2 of this Article. The program authority may require the owner to submit maps, calculations, detail drawings, reports, a listing of all major permit decisions and any other information as are determined by the program authority to be necessary to allow a complete review of the plan.

(b) For purposes of this section, major permit decisions include, but are not limited to, decisions pertaining to zoning map amendments, special use permits, grading permits, building and erosion and sediment control plans and any permit related to the land development required under Commonwealth of Virginia or ~~Federal~~ federal law.

(c) Each stormwater management plan submitted for approval shall contain, at a minimum, the following information:

- (1) Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;
- (2) A narrative that includes a description of current site conditions and final site

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conditions;

- (3) A map or maps of the site that depicts the topography of the site and includes:
 - (i) All contributing drainage areas;
 - (ii) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;
 - (iii) Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
 - (iv) Current land use including existing structures, roads, and locations of known utilities and easements;
 - (v) Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
 - (vi) The limits of clearing and grading, and the proposed drainage patterns on the site;
 - (vii) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
 - (viii) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.
 - (4) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the predevelopment and postdevelopment drainage areas;
 - (5) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;
 - (6) Information on the proposed stormwater management facilities, including:
 - (i) The type of facilities;
 - (ii) Location, including geographic coordinates;
 - (iii) Acres treated; and
 - (iv) The surface waters or karst features, if present, into which the facility will discharge;
 - (7) Hydrologic and hydraulic computations, including runoff characteristics; and
 - (8) Documentation and calculations verifying compliance with the water quality and quantity technical requirements of Division 2 of this Article.
- (d) The stormwater management plan required under this Article shall apply the stormwater management technical requirements set forth in Division 2 of this Article to the entire land disturbing activity, and shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.
- (e) If an operator intends to meet the water quality and/or quantity requirements set forth in Division 2 of this Article through the use of off-site compliance options as authorized under §62.1-44.15:35 of the Code of Virginia and 9VAC25-870-69 of the Virginia Administrative Code, then a letter of availability from the off-site provider must be provided to the program authority. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by §62.1-44.15:35 of the Code of Virginia.
- (f) Elements of the stormwater management plans that include activities regulated under

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Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

- (g) A construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan.
- (h) A stormwater management plan that is approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners, in accordance with §62.1-44.15:28 of the Code of Virginia, as amended.

SECTION 9-52. REVIEW AND APPROVAL OF STORMWATER MANAGEMENT/BMP PLANRESERVED.

~~Each stormwater management/BMP plan submitted pursuant to this Article shall be reviewed and approved as provided herein:~~

- ~~(a) The plan shall be reviewed by the program authority to determine its compliance with the requirements of this Article and with applicable Federal and Commonwealth of Virginia laws and regulations. Where a proposed stormwater management plan includes facilities or BMPs for which design requirements and specifications, and/or maintenance requirements, are specified within the Virginia Stormwater Management (SWM) Handbook and/or the Virginia Stormwater Management Regulations set forth within 4 VAC 3-20 et seq., the program authority shall utilize those design requirements, specifications and/or maintenance requirements in reviewing and making decisions as to the acceptability of such facilities or BMPs under this Article.~~
 - ~~(b) The plan shall be reviewed by the program authority to determine whether it complies with the requirements of section 9-51 and all other requirements of this Article.~~
- ~~(c) During its review of the plan, the program authority may meet with the owner from time to time to review and discuss the plan with the owner, and to request any additional data as may be reasonably necessary for a complete review of the plan.~~
- ~~(d) The program authority shall approve or disapprove a plan within forty-five (45) days from the date a complete application was accepted for review. The decision of the program authority shall be based on the plan's compliance with this Article. If the plan is disapproved, the reasons for such disapproval shall be stated in the decision.~~
- ~~(e) Each stormwater management/BMP plan approved by the program authority shall be subject to the following:~~
 - ~~(1) The owner shall comply with all applicable requirements of the approved plan, this~~

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~~Article, the Virginia Stormwater Management Act (Virginia Code §§ 10.1-603.2 et seq.), and the Commonwealth of Virginia stormwater management regulations set forth in 4 VAC 3-20-10 et seq.;~~

- ~~(2) The owner shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;~~
- ~~(3) Land development shall be conducted only within the area specified in the approved plan;~~
- ~~(4) The rights granted by virtue of the approved plan shall not be transferred, assigned or sold unless a written notice of transfer, assignment or sale is filed with the program authority and the recipient of such rights provides the certification required by provision (c)(2);~~
- ~~(5) The program authority may require, in conjunction with its approval of a plan, that the owner first enter into a stormwater management/BMP facilities maintenance agreement as provided in section 9-63;~~
- ~~(6) The program authority shall be allowed, after giving reasonable notice to the owner, occupier or operator of the land development, to conduct periodic inspections as provided in section 9-67; and~~
- ~~(7) The program authority may require, as a condition of plan approval, that the owner enter into a right of entry agreement or grant an easement for purposes of inspection and maintenance. If such agreement or easement is required, the program authority shall not be required to give notice prior to conducting an inspection.~~

~~(f) Nothing in this section shall require approval of a plan or part thereof that is determined by the program authority to pose a danger to the public health, safety, or general welfare or to deviate from sound engineering practices.~~

~~Commonwealth of Virginia law reference—Va. Code § 10.1-603.8.~~

SECTION 9-53. MONITORING AND REPORTING.

As a condition of approval of a stormwater management/BMP plan, the program authority may require the owner to monitor and report to the program authority as provided herein:

- (a) Any monitoring conducted shall be for the purpose of ensuring compliance with the stormwater management/BMP plan and to determine whether the plan provides effective stormwater management.
- (b) The condition(s) requiring monitoring and reporting shall state the method and frequency of such monitoring.
- (c) The condition(s) requiring monitoring and reporting shall state the format of the report and the frequency for submitting reports.

(d) Pursuant to §62.1-44.15:40 of the Code of Virginia, the Administrator may require every VSMP authority permit applicant or permittee, or any such person subject to

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VSMP authority permit requirements under this Ordinance, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance, provided that the disclosure requirements of §62.1-44.15:40 of the Code of Virginia shall be met by the program authority.

(f) As a condition of approval of a stormwater management plan, the program authority may require the owner to monitor and report to the program authority as follows:

Any monitoring conducted by the owner shall be for the purpose of ensuring compliance with the approved stormwater management plan and to determine whether the plan provides effective stormwater management.

The condition(s) requiring monitoring and reporting shall state the method and frequency of such monitoring.

The condition(s) requiring monitoring and reporting shall state the format of the report and the frequency for submitting reports.

~~Commonwealth of Virginia law reference—Va. Code § 10.1-603.8.~~

SECTION 9-54. ISSUANCE OF PERMIT; SURETY RESERVED.

~~A grading, building or other permit for activities involving land development may be issued by a permit-issuing department only as provided herein:~~

- ~~(a) The owner shall submit with his application for such permit an approved stormwater management/BMP plan and certification by the owner that all land-clearing, construction, land development and drainage will be done according to the approved plan. A permit shall not be issued until such approved plan and certification are submitted.~~
- ~~(b) Prior to the issuance of any such permit, the owner shall be required to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the City attorney, to ensure that measures could be taken by the City or the program authority at the owner's expense should he fail, after proper notice as provided in section 9-68, to take timely corrective action specified in the notice. The performance bond or other surety shall be provided from a date prior to the issuance of any permit by the permit-issuing department until sixty (60) days after the requirements of the approved stormwater management/BMP plan have been completed, as determined by the program authority.~~
- ~~(c) A performance bond or other surety pursuant to paragraph (b) shall not exceed the total of the estimated cost to initiate, maintain and repair all stormwater management facilities, practices and other appropriate actions which may be required of the owner pursuant to the approved stormwater management/BMP plan as a result of the land development. The amount of the bond or other surety shall be based on unit price for~~

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~~new public or private sector construction in the City of Winchester, Virginia, and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five (25) percent of the estimated cost to initiate, maintain and repair all stormwater management facilities, practices and other appropriate actions which may be required of the owner pursuant to the approved stormwater management/BMP plan.~~

- ~~(d) If the program authority is required to take corrective action pursuant to section 9-68 upon the failure of the owner to do so, the City may collect from the owner for the difference if the amount of the reasonable cost of the corrective action exceeds the amount of the surety.~~
- ~~(e) Within sixty (60) days of the completion of the requirements of the approved stormwater management/BMP plan, as determined by the program authority, the bond or other surety, or any unexpended or unobligated portion thereof shall be refunded to the owner or terminated. Thereafter, compliance with the requirements of this Article shall be assured by a maintenance agreement entered into by and between the owner and the program authority, which agreement shall be in a form approved by the City Attorney.~~

~~(Ord. No. 2011-21, 10-11-11)~~

~~Commonwealth of Virginia law reference--Va. Code § 10.1-603.8.~~

SECTION 9-55. FEES.

Each owner seeking approval of a stormwater management/BMP plan shall pay a fee upon submittal of such plan and application for a VSMP authority permit, and shall pay a fee for each inspection, in amounts as set forth in the most recent fee schedule approved by City Council the modification or transfer of registrations statements from the general permit issued by the State Board, and for maintaining coverage under an approved VSMP authority permit, as provided below:

- (a) Fees for issuance of a VSMP authority permit and associated general permit coverage shall be imposed in accordance with Table 1. Each Applicant shall be subject to a fee ("total fee to be paid by applicant" column) in accordance with the disturbed acreage of their site or sites as provided in Table 1.

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Table 1: Fees for permit issuance

| <u>Fee type</u> | <u>Total fee to be paid by Applicant</u> | <u>Department portion of “total fee to be paid by Applicant” (based on 28% of total fee paid*)</u> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|----------------------------------------------------------------------------------------------------|
| <u>General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre.)</u> | <u>\$290</u> | <u>\$81</u> |
| <u>General / Stormwater Management – Small Construction Activity/Land Clearing (Sites with land disturbance acreage equal to or greater than 1 acre and less than 5 acres for the purpose of constructing a single-family detached residential structure)</u> | <u>\$290</u> | <u>\$81</u> |
| <u>General / Stormwater Management - Small Construction Activity/Land Clearing (Sites with land disturbance acreage equal to or greater than 1 acre and less than 5 acres for purposes other than constructing a single-family detached residential structure)</u> | <u>\$2,700</u> | <u>\$756</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)</u> | <u>\$3,400</u> | <u>\$952</u> |

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| <u>Fee type</u> | <u>Total fee to be paid by Applicant</u> | <u>Department portion of "total fee to be paid by Applicant" (based on 28% of total fee paid*)</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|----------------------------------------------------------------------------------------------------|
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing [Sites with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]</u> | <u>\$4,500</u> | <u>\$1,260</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</u> | <u>\$6,100</u> | <u>\$1,708</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites with land disturbance acreage equal to or greater than 100 acres)</u> | <u>\$9,600</u> | <u>\$2,688</u> |

* If the project is completely administered by the Department of Environmental Quality, such as may be the case for a state or federal project or projects covered by individual permits, the entire fee shall be paid to the Department of Environmental Quality. No portion of the fee shall be paid to the Department for any land-disturbing activity involving construction of single-family detached residential dwelling.
Commonwealth of Virginia law reference—~~Va. Code § 10.1-603.10.~~

(b) Fees for the modification or transfer of registration statements from the general permit issued by the State Board shall be imposed in accordance with Table 2. If the general permit modifications result in changes to stormwater management plans that require additional review by the City, such reviews shall be subject to the fees set out in Table 2. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in Table 1.

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Table 2: Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities

| <u>Type of Permit</u> | <u>Fee Amount</u> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <u>General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)</u> | <u>\$20</u> |
| <u>General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)</u> | <u>\$200</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)</u> | <u>\$250</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)</u> | <u>\$300</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</u> | <u>\$450</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)</u> | <u>\$700</u> |

(c) The following annual permit maintenance fee shall be imposed on all VSMP authority permits in accordance with Table 3, including fees imposed on expired permits that have been administratively continued. Maintenance fees shall be paid annually to the City by the anniversary date of permit coverage. Such fees shall apply until the permit coverage is terminated. No permit will be reissued or automatically continued without payment of the required fee.

Table 3: Permit Maintenance Fees

| <u>Type of Permit</u> | <u>Fee Amount</u> |
|-----------------------|-------------------|
|-----------------------|-------------------|

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| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <u>General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)</u> | <u>\$50</u> |
| <u>General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)</u> | <u>\$400</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)</u> | <u>\$500</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)</u> | <u>\$650</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</u> | <u>\$900</u> |
| <u>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)</u> | <u>\$1,400</u> |

(d) The fees set forth in Subsections (a) through (c) above, shall apply to:

- (1) All persons seeking a VSMP authority permit and associated coverage under the general permit.
- (2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.
- (3) Persons whose coverage under the general permit has been revoked shall apply to the Department of Environmental Quality for an Individual Permit for Discharges of Stormwater From Construction Activities.
- (4) Permit and permit coverage maintenance fees outlined under Section 9-55 (c) may apply to each general permit holder.

(e) No general permit application fees will be assessed to:

- (1) Permittees who request minor modifications to general permits as defined in Section 9-5 of this Ordinance. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional

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review by the Administrator shall not be exempt pursuant to this Section.

- (2) Permittees whose general permits are modified or amended at the initiative of the Department of Environmental Quality, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.
- (f) All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. The City shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

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DIVISION 2. PLAN REQUIREMENTS: WATER QUANTITY AND WATER QUALITY PROTECTION REQUIREMENTS FOR WATER QUANTITY AND WATER QUALITY PROTECTION

SECTION 9-56. STORMWATER MANAGEMENT FACILITIES AND CHANNELS. TECHNICAL REQUIREMENTS FOR THE DESIGN OF STORMWATER MANAGEMENT FACILITIES; GRANDFATHERED ACTIVITIES; EXCEPTIONS.

- (a) The City of Winchester hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Virginia Stormwater Management Program (VSMP) Regulations, as amended, expressly to include 9VAC25-870-62 [applicability]; 9VAC25-870-63 [water quality design criteria requirements]; 9VAC25-870-65 [water quality compliance]; 9VAC25-870-66 [water quantity]; 9VAC25-870-69 [offsite compliance options]; 9VAC25-870-72 [design storms and hydrologic methods]; 9VAC25-870-74 [stormwater harvesting]; 9VAC25-870-76 [linear development projects]; and, 9VAC25-870-85 [stormwater management impoundment structures or facilities], which shall apply to all land-disturbing activities regulated pursuant to this Article, except as expressly set forth in subsections (e) through (l) of this section. The City hereby adopts the technical criteria for grandfathered land-disturbing activities as set forth in Part II C of the Regulations, expressly to include 9VAC25-870-93 [definitions]; 9VAC25-870-94 [applicability]; 9VAC25-870-95 [general]; 9VAC25-870-96 [water quality]; 9VAC25-870-97 [stream channel erosion]; 9VAC25-870-98 [flooding]; and 9VAC25-870-99 [regional (watershed-wide) stormwater management plans].
- (b) Stormwater management facilities and ~~modifications to~~ channels, and modifications thereto, required as part of a stormwater management/BMP plan shall be designed, installed and constructed as provided herein:
- (1) Stormwater management facilities, best management practices, and modifications to channels shall be designed and constructed in compliance with applicable local, Commonwealth of Virginia state and Federal federal laws, regulations, and standards, including, but not limited to the Federal Clean Water Act; the Virginia Stormwater Management Act (VA Code §~~10.1-603.262.1-44.15:27~~ et seq.) and the Virginia sStormwater management Management Program (VSMP) rRegulations promulgated by the state Board of Conservation and Recreation state board, set forth within ~~4 VAC 3-20-109~~9VAC25-870-10 et seq.; the National Flood Insurance Program; the Virginia BMP Clearinghouse website and the City of Winchester Stormwater Management DesignPublic Services Standards Manual.
 - (2) Stormwater management facilities and best management practices shall be designed and sited to capture, to the maximum extent practicable, the runoff from the entire land development project area and, in particular, areas of impervious cover within the development project area. Individual lots in new residential, commercial, or industrial developments shall not be considered separate land-disturbing activities.

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- (3) Hydrologic parameters shall reflect the ultimate buildout in the land development project area and shall be used in all engineering calculations.
- (4) Post-development runoff rate of flow shall be maintained, as nearly as practicable, as the pre-development runoff characteristics, ~~subject further to the requirements of §9-52.~~
- (5) The number, type, and siting of stormwater management facilities shall be designed so as to preserve natural channel characteristics and natural groundwater recharge on a site to the extent practical.

(ac) Each stormwater management/BMP plan shall require that land and receiving waterways which are downstream from the land development be protected from stormwater runoff damage, as provided herein:

- (1) To protect downstream properties and receiving waterways from flooding, the ten (10) year post-development peak rate of runoff from the land development shall not exceed the ten (10) year pre-development peak rate of runoff.
- (2) To protect downstream properties and receiving waterways from channel erosion, the two (2) year post-development peak rate and velocity of runoff from the land development shall not exceed the two (2) year pre-development peak rate and velocity of runoff.
- (3) If the land development is in a watershed for which a hydrologic and/or hydraulic study has been conducted or a stormwater model developed, the program authority may modify the requirements of paragraphs (1) and (2) so that runoff from the land development is controlled in accordance with the findings in the study or model, or to prevent adverse watershed stormflow timing, channel degradation, and/or localized flooding problems.
- (4) In addition to the requirements of paragraphs (1) and (2), the program authority may require that the plan include additional measures to address damaging conditions to downstream properties and receiving waterways caused by the land development.

(d) Pre-development and post-development runoff rates determined for purposes of paragraph (c) shall be verified by calculations that are consistent with accepted engineering practices, as determined by the program authority.

(e) Any land-disturbing activity shall be considered grandfathered by the Administrator and shall be subject to the technical criteria of Part II C of the Regulations (9VAC25-870-93 et. seq.) provided:

- (1) A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plan, preliminary or final site plan, or any document determined by the City to be equivalent thereto (i) was approved by the City prior to July 1, 2012, (ii) provided a layout as defined in Section 9-5 of this Chapter and 9VAC25-870-10 of the Regulations, (iii) will comply with the Part II C technical criteria of the Regulations, and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorous leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;

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- (2) A state permit has not been issued prior to July 1, 2014; and
- (3) Land disturbance did not commence prior to July 1, 2014.
- (f) Locality, state, and federal projects shall be considered grandfathered by the City and shall be subject to the technical requirements of Part II C of the Regulations provided:
- (1) There has been an obligation of locality, state, or federal funding, in whole or in part, prior to July 1, 2012, or the Department of Conservation and Recreation has approved a stormwater management plan prior to July 1, 2012;
- (2) A state permit has not been issued prior to July 1, 2014; and
- (3) Land disturbance did not commence prior to July 1, 2014.
- (g) Land-disturbing activities grandfathered under subsections (e) and (f) of this section shall remain subject to the Part II C technical criteria of the Regulations for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the Board.
- (h) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be considered grandfathered and subject to the technical requirements of Part II C of the Regulations.
- (i) The Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Act, the Regulations, and this Ordinance are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Ordinance.
- (1) Exceptions to the requirement that the land-disturbing activity obtain required VSMP authority permit shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse website.
- (2) Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 9VAC25-870-69 of the Regulations have been considered and found not available.
- (j) Other than requests for permission to develop within a required stream buffer, which requests shall be handled pursuant to §9-74, a request for an exception to the requirements of this Article pursuant to subsection (i) of this section shall be made and reviewed as follows:
- (a) A written request for an exception shall be submitted to the program authority, which shall immediately forward a copy of the request to the City attorney's office.

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for its recommendation. The request shall address the factors listed in paragraph (e), ~~below~~above.

~~(b2)~~ After receiving a recommendation from the City attorney's office and considering a recommendation from the program authority~~the request~~, the City-Council Administrator shall grant or deny a request for an exception within 60 days from the date of the program authority's receipt of the request.

~~(e) A request for exception may be granted by the City Council, upon finding that:~~

- ~~(1) A stormwater management plan has been submitted to the program authority for review in accordance with this Article, and the plan demonstrates that reasonable alternatives to the exception have been considered and determined to not be feasible through attempts to meet the provisions of this Article, the use of non-structural measures, the use of a mitigation plan, or by other means;~~
- ~~(2) The exception requested is the minimum necessary to afford relief;~~
- ~~(3) Reasonable and appropriate conditions can be imposed to ensure that the purposes of this Article are satisfied; and~~
- ~~(4) The sole basis for the request is not economic hardship, which shall be deemed an insufficient reason to grant an exception.~~

(k) Nothing in this section shall preclude an operator from constructing to a more stringent standard at their discretion.

(l) The program authority may develop comprehensive stormwater management plans to be approved by DEQ that meet the water quality objectives, quantity objectives, or both of this Chapter in accordance with 9VAC25-870-92 of the Regulations.

~~Commonwealth of Virginia law reference~~—Va. Code § 10.1-603.3.

SECTION 9-57. NON-STRUCTURAL MEASURESSTORMWATER POLLUTION PREVENTION PLAN (SWPPP); REQUIREMENTS.

- (a) The Stormwater Pollution Prevention Plan (SWPPP) shall include the content and address all of the requirements specified by Section 9VAC25-870-54 of the Virginia Administrative Code and must also comply with the requirements and general information set forth in Section 9VAC25-880-70, Section II [stormwater pollution prevention plan] of the general permit.
- (b) The SWPPP shall be amended by the owner whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing SWPPP.
- (c) The SWPPP must be maintained by the owner at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site. Owners shall make the SWPPP available for public review in accordance with Section II of the general permit, either electronically or in hard copy.

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~~Non-structural measures may be used in conjunction with or in place of structural measures in order to satisfy the requirements of this Article, as provided herein:~~

- ~~(1) The program authority may allow non-structural measures to satisfy, partially or in whole, the requirements of this Article, if such measures are identified in accepted technical literature, are acceptable to the program authority based on its exercise of sound professional judgment, and the program authority finds~~

~~that the measures achieve equivalent benefit for water quantity and/or quality protection as would otherwise be provided by structural measures.~~

- ~~(2) Non-structural measures include, but are not limited to, minimization of impervious surfaces, stream buffer reforestation, providing additional stream buffer areas, wetland restoration, waste reuse and recycling, and development design that reduces the rate and volume of runoff.~~

~~Commonwealth of Virginia law reference—Va. Code § 10.1-603.3.~~

SECTION 9-58.

CONTROL OF PEAK RATE AND VELOCITY OF RUNOFF POLLUTION PREVENTION PLAN FOR MINIMIZING DISCHARGES DURING CONSTRUCTION; REQUIREMENTS.

- (a) A Pollution Prevention Plan, as required by 9VAC25-870-56 of the Virginia Stormwater Management Program (VSMP) Regulations, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants during construction. At a minimum, such measures must be designed, installed, implemented, and maintained to:
- (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
 - (2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
 - (3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- (b) The pollution prevention plan shall include effective best management practices to prohibit the following discharges:
- (1) Wastewater from washout of concrete, unless managed by an appropriate control;
 - (2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
 - (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

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- (4) Soaps or solvents used in vehicle and equipment washing.
- (c) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.
- ~~(a) Each stormwater management/BMP plan shall require that land and receiving waterways which are downstream from the land development be protected from stormwater runoff damage, as provided herein: (1) To protect downstream properties and receiving waterways from flooding, the ten (10) year post-development peak rate of runoff from the land development shall not exceed the ten (10) year pre-development peak rate of runoff~~
- ~~(2) To protect downstream properties and receiving waterways from channel erosion, the two (2) year post-development peak rate and velocity of runoff from the land development shall not exceed the two (2) year pre-development peak rate and velocity of runoff. (3) If the land development is in a watershed for which a hydrologic and/or hydraulic study has been conducted or a stormwater model developed, the program authority may modify the requirements of paragraphs (1) and (2) so that runoff from the land development is controlled in accordance with the findings in the study or model, or to prevent adverse watershed stormflow timing, channel degradation, and/or localized flooding problems.~~
- ~~(4) In addition to the requirements of paragraphs (1) and (2), the program authority may require that the plan include additional measures to address damaging conditions to downstream properties and receiving waterways caused by the land development.~~
- (b) Pre-development and post-development runoff rates determined for purposes of paragraph (a) shall be verified by calculations that are consistent with accepted engineering practices, as determined by the program authority.
- ~~(e) Notwithstanding any other provisions of this Article, the following activities are exempt from the requirements of this section:~~
- ~~(1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;~~
- ~~(2) Tilling, planting or harvesting of agricultural, horticultural, or forest crops;~~
- ~~(3) Construction, extension or replacement of a building or buildings on a site of 5,000 square feet or less, not including cases where development is to be done in phases and the total land disturbance for all phases is greater than 5,000 square feet;~~
- ~~(4) Land development or a portion of a land development on land which is designated as lying within a flood plain, except in cases where the flood plain has been modified by permitted fill or other activities in compliance with the zoning ordinance;~~
- ~~(5) Land development or a portion of a land development where the land is adjacent to a flood plain, and the owner has demonstrated to the reasonable satisfaction of the program authority that off-site improvements or other provisions for the disposition of surface water runoff would equally or better serve the public interest and safety, and that such method of disposition would not adversely affect downstream properties or stream channels; and~~
- ~~(6) Any land development related to a final site plan or plat approved by the appropriate governing authority prior to the effective date of this Chapter.~~

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SECTION 9-59. BEST MANAGEMENT PRACTICES.

- (a) Each stormwater management/~~BMP~~ plan shall require that best management practices be provided in conjunction with or in addition to stormwater management facilities designed for water quantity treatment, as provided herein:
- (1) Best management practices shall be designed and sited to capture runoff from the entire land development project area and, in particular, areas of impervious cover within the land development, to the maximum extent practicable.
 - (2) Best management practices shall be designed to remove the difference between post-development and pre-development total phosphorus loads in cases where post-development loads exceed pre-development loads.
 - (3) Calculation methods and expected removal ranges for various best management practices shall be included in the ~~design manual~~Public Services Standards Manual maintained by the program authority.
- ~~(b) Notwithstanding any other provisions of this Article, the following activities are exempt from the requirements of this section:~~
- ~~(1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;~~
 - ~~(2) Tilling, planting or harvesting or agricultural, horticultural, or forest crops; and~~
 - ~~(3) Single family dwelling units separately built and not part of a division of land, including additions or modifications to existing single family detached dwelling units, except if the land disturbance exceeds 5,000 square feet.~~

- ~~(b) Non-structural measures may be used in conjunction with or in place of structural measures in order to satisfy the requirements of this Article, as provided herein:~~
- ~~(1) The program authority may allow non-structural measures to satisfy, partially or in whole, the requirements of this Article, if such measures are identified in accepted technical literature, are acceptable to the program authority based on its exercise of sound professional judgment, and the program authority finds that the measures achieve equivalent benefit for water quantity and/or quality protection as would otherwise be provided by structural measures.~~
 - ~~(2) Non-structural measures include, but are not limited to, minimization of impervious surfaces, stream buffer reforestation, providing additional stream buffer areas, wetland restoration, waste reuse and recycling, and development design that reduces the rate and volume of runoff.~~

~~Commonwealth of Virginia law reference—Va. Code § 10.1-603.3.~~

SECTION 9-60. CONTRIBUTION TO REGIONAL STORMWATER MANAGEMENT PROGRAM.

- (a) Each stormwater management/~~BMP~~ plan shall require that the owner contribute to a regional stormwater management program, as provided herein:

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- (1) If the land development is located within the watershed of a regional stormwater management program established by the ~~county~~ City which requires pro rata share contributions, the owner shall pay a pro rata share of the cost of the facility in accordance with any ordinance of the ~~county~~ City establishing the program.
- (2) An owner's payment pursuant to paragraph (1) shall relieve the owner of the requirements of ~~section~~ Section 17-3149-56(c), if the regional program is designed to control the peak rate and velocity of runoff, and/or the requirements of ~~section~~ Section 17-3159-59, if the regional program is designed to provide best management practices. An owner's payment pursuant to paragraph (1) shall not relieve an owner of his responsibility to comply with any other requirement of this Chapter, except as provided in this section.

~~Commonwealth of Virginia law reference—Va. Code § 10.1-603.3.~~

SECTION 9-61. REVIEW OF STORMWATER MANAGEMENT PLAN; APPROVAL.

(a) Each stormwater management plan submitted pursuant to this Article shall be reviewed and approved as provided herein:

- (1) The plan shall be reviewed by the program authority to determine its compliance with the requirements of this Article and with applicable ~~Federal~~ local, state, and federal and Commonwealth of Virginia laws and regulations. Where a proposed stormwater management plan includes facilities or BMPs for which design requirements and specifications, and/or maintenance requirements, are specified ~~with~~ in the Virginia Stormwater Management (SWM) Handbook and/or on the Virginia BMP Clearinghouse website, and/or the Virginia Stormwater Management Regulations set forth within 4VAC 3-20 et seq., the program authority shall utilize those design requirements, specifications and/or maintenance requirements in reviewing and making decisions as to the acceptability of such facilities or BMPs under this Article.
- (2) During its review of the plan, the program authority may meet and correspond with the owner from time to time to review and discuss the plan with the owner, and to request any additional data as may be reasonably necessary for a complete review of the plan.
- ~~(3) The program authority shall approve or disapprove a plan within 45 days from the date a complete application was received. The decision of the program authority shall be based on the plan's compliance with the requirements of this Article and with applicable Commonwealth of Virginia laws and regulations. The decision shall be in writing and shall be communicated to the applicant by mail or delivery. If the plan is rejected or disapproved, the specific reasons for such disapproval (with reference to the relevant ordinances, laws or regulations) shall be stated in the decision. If the program authority fails to act on a plan within the 45-day period, the plan shall be deemed approved.~~
- (4) Nothing in this Article or section shall require approval of a plan, or any portion thereof, that is determined by the program authority to pose a danger to the public

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health, safety, or general welfare, or to deviate from sound engineering practices.

(b) The Administrator shall determine the completeness of a plan and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete. If a determination of completeness is not made within 15 calendar days of receipt, then the plan shall be deemed complete.

(c) The program authority shall approve or disapprove a plan within 60 days from the date a complete application was received, provided that for any plan that is deemed complete in accordance with paragraph (b) of this section, the program authority shall approve or disapprove the plan within 60 days from the date the plan was submitted to the program authority. The decision of the program authority shall be based on the plan's compliance with the requirements of this Article and with applicable local, state and federal laws and regulations. The decision shall be in writing and shall be communicated to the applicant by mail or delivery. If the plan is rejected or disapproved, the specific reasons for such disapproval (with reference to the relevant ordinances, laws or regulations) shall be stated in the decision. If the program authority fails to act on a plan within the 60-day period, the plan shall be deemed approved. The Administrator shall review any plan that has been previously disapproved within 45 calendar days of the date of resubmission.

(e) Each stormwater management/BMP plan approved by the program authority shall be subject to the following:

- (1) The owner shall comply with all applicable requirements of the approved plan, this Article, the Virginia Stormwater Management Act (Virginia Code §§ 10.1-603.2 et seq.), and the Commonwealth of Virginia stormwater management regulations set forth in 4 VAC 3-20-10 et seq.;
- (2) The owner shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;
- (3) Land development shall be conducted only within the area specified in the approved plan;
- (4) The rights granted by virtue of the approved plan shall not be transferred, assigned or sold unless a written notice of transfer, assignment or sale is filed with the program authority and the recipient of such rights provides the certification required by provision (e)(2);
- (5) The program authority may require, in conjunction with its approval of a plan, that the owner first enter into a stormwater management/BMP facilities maintenance agreement as provided in section 9-63;
- (6) The program authority shall be allowed, after giving reasonable notice to the owner, occupier or operator of the land development, to conduct periodic inspections as provided in section 9-67; and
- (7) The program authority may require, as a condition of plan approval, that the owner enter into a right of entry agreement or grant an easement for purposes of inspection and maintenance. If such agreement or easement is required, the program authority shall not be required to give notice prior to conducting an inspection.

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SECTION 9-62. CONDITIONS OF APPROVAL.

(ea) Each stormwater management/BMP plan approved by the program authority shall be subject to the following conditions, at a minimum:

- (1) The owner shall comply with all applicable requirements of the approved plan, this Article, and the Virginia Stormwater Management Act (Virginia Code §62.1-44.15:27 et seq.) and Regulations, and the Commonwealth of Virginia stormwater management regulations set forth in 4 VAC 3-20-10 et seq.;
- (2) The owner shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;
- (3) Land development shall be conducted only within the area specified in the approved plan;
- (4) The rights granted by virtue of the approved plan shall not be transferred, assigned or sold unless a written notice of transfer, assignment or sale is filed with the program authority and the recipient of such rights provides the certification required by ~~provision~~paragraph (ed)(2) of this section;
- (5) The program authority may require, in conjunction with its approval of a plan, that the owner first enter into a stormwater management/BMP facilities maintenance agreement as provided in sSection 9-63; and
- (6) The program authority shall be allowed, after giving reasonable notice to the owner, occupier or operator of the land development, to conduct periodic inspections of the land development in accordance with Section 9-67 to determine the owner's compliance with the provisions of this Article. The program authority may require, as a condition of plan approval, that the owner enter into a right of entry agreement or grant an easement for purposes of inspection and maintenance. If such agreement or easement is required, the program authority shall not be required to give notice prior to conducting an inspection.

~~Each stormwater management plan approved by the program authority shall be subject to the following:~~

- ~~(a) The owner shall comply with all applicable requirements of this Article, the Virginia Stormwater Management Act (Va. Code §§10.1-603.2 et seq), the Commonwealth of Virginia stormwater regulations set forth in 4 VAC 3-20-10 et seq, and the Virginia Stormwater Management Handbook.~~
- ~~(b) The owner shall certify in writing that all land clearing, construction, land development and drainage will be done according to the approved plan.~~
- ~~(c) Land development shall be conducted only within the area specified within the approved plan.~~
- ~~(d) The rights granted by virtue of the approved plan shall not be transferred, assigned or sold unless a written notice of transfer, assignment or sale is filed with the program authority and the recipient of such rights provides the certification required by provision (b), above.~~

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~~(e) The program authority shall be allowed, after giving reasonable notice to the owner, occupier or operator of the land development, to conduct periodic inspections of the land development to determine the owner's compliance with the provisions of this Article. The program authority may require, as a condition of approval of a stormwater management plan, that the owner enter into a right of entry agreement, or grant an easement, for purposes of inspection and maintenance. If such agreement or easement is required, the program authority shall not be required to give notice prior to conducting an inspection.~~

~~(3) The condition(s) requiring monitoring and reporting shall state the format of the report and the frequency for submitting~~ **SECTION 9-63. DUTY TO COMPLY, MAINTAIN AND REPAIR; MAINTENANCE AGREEMENT.**

(a) The owner shall maintain and repair all structural and nonstructural stormwater management measures required by the stormwater management plan, as follows:

(1) The owner shall be responsible for the operation and maintenance of such measures and shall pass such responsibility to any successor owner, unless such responsibility is lawfully transferred to the City or to another governmental entity.

(2) The Administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other measures specified to manage the quality and quantity of runoff. If an approved a stormwater management plan includes the use of requires structural or nonstructural measuresbest management practices, the owner shall execute-submit the executeda stormwater management facilities maintenance agreement prior to the program authority granting final approval for any site plan or other development for which a permit is requiredof the stormwater management plan. The required stormwater management facilities maintenance agreement shall be in a form approved by the City Attorney. If an owner certifies that ithe cannot exercise its rights under a purchase agreement until a site plan or other development plan receives final approval from the City, the program authority may grant its final approval without a signedan executed and recorded agreement, provided that the agreement is submitted to the Administrator for review and approval prior to the approval of the stormwater management plan, and is signedexecuted and recorded as provided herein prior to issuance of any certificate of occupancy for any building on the site the development project. The agreement shall be recorded in the office of the clerk of the Circuit Court for the City of Winchester and shall, at a minimum:

(i) Be stated to run with the land. If an owner certifies that it cannot exercise its rights under a purchase agreement until a site plan or other development receives final approval from the City, the program authority may grant its final approval without a signed agreement, provided that the agreement is signed and recorded as provided herein prior to issuance of any certificate of occupancy for the development project. The required stormwater management facilities maintenance agreement shall be in a form approved by the City Attorney and shall, at

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- ~~a minimum:~~
- (ii) Provide for all necessary access to the property for the purposes of maintenance and regulatory inspections;
 - (iii) Provide for periodic inspections and the submission of inspection and maintenance reports to the Administrator;
 - (iv) Designate for the land development the owner, governmental agency, or other legally-established entity which shall be permanently responsible for maintenance of the structural or non- structural measures required by the plan;
 - (~~iv~~) Pass the responsibility for such maintenance to successors in title;
- ~~and~~
- (~~iii~~) Ensure the continued performance of the maintenance obligations required by the plan and by this Article; ~~and~~
 - (vii) Be enforceable by all appropriate governmental parties.

SECTION 9-64. AMENDMENT OF APPROVED STORMWATER MANAGEMENT PLANS.

~~An approved stormwater management plan may be changed or amended only as provided herein:~~

- (a) The program authority may change an approved stormwater management ~~BMP~~ plan only as provided herein;
- (~~b~~) The owner shall submit ~~additional data identified in section — (plan requirements)~~ information as required by Section 9-51 in order to allow the program authority to determine whether any such change ~~will comply~~ complies with the requirements of this Article.
- (~~b~~) The owner shall submit to the program authority a written request and justification for a change or amendment of an approved stormwater management plan, and shall provide such data as may be required by the program authority in order to determine whether the proposed change will comply with the requirements of this Article.
- (~~e~~) The program authority shall conduct its review and shall make its decision with respect to the proposed change in accordance with the procedures for initial submission and approval of a stormwater management plan. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving of the request for an amendment. (~~d~~) ~~If the proposed change to the approved plan complies with the requirements of this Article, the program authority shall approve such proposed change in writing.~~
- (e) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. An owner shall make no changes to an approved plan without first complying with this section.
- (f) The Administrator may require that an approved stormwater management plan be

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amended, within a time prescribed by the Administrator, to address any deficiencies noted during an inspection.

SECTION 9-65. EXCEPTIONSRESERVED.

~~Other than requests for permission to develop within a required stream buffer, which requests shall be handled pursuant to §9-74, a request for an exception to the requirements of this Article shall be made and reviewed as follows:~~

- ~~(a) A written request for an exception shall be submitted to the program authority, which shall immediately forward a copy of the request to the City attorney's office. The request shall address the factors listed in paragraph (c), below:~~
- ~~(b) After receiving and considered a recommendation from the program authority, the City council shall grant or deny a request for an exception within 60 days from the date of the program authority's receipt of the request.~~
- ~~(c) A request for exception may be granted by the City Council, upon finding that:
 - ~~(1) A stormwater management plan has been submitted to the program authority for review in accordance with this Article, and the plan demonstrates that reasonable alternatives to the exception have been considered and determined to not be feasible through attempts to meet the provisions of this Article, the use of non-structural measures, the use of a mitigation plan, or by other means;~~
 - ~~(2) The exception requested is the minimum necessary to afford relief;~~
 - ~~(3) Reasonable and appropriate conditions can be imposed to ensure that the purposes of this Article are satisfied; and~~
 - ~~(4) The sole basis for the request is not economic hardship, which shall be deemed an insufficient reason to grant an exception.~~~~

SECTION 9-66. DEDICATION OF FACILITIES TO THE PUBLIC.

The owner of a stormwater management facility required by this Article may offer for dedication any such facility, together with such easements and appurtenances as may be reasonably necessary, as provided herein:

- (a) Any such offer shall be made in writing and delivered to the office of the City attorney, with a copy to the program authority. The owner, at his sole expense, shall provide any documents or information requested by the program authority or the City Council. The program authority shall make a preliminary assessment as to whether the dedication of such facility is appropriate and will promote the public health, safety and general welfare. In making its assessment, the program authority shall inspect the facility in question and shall determine whether it has been properly maintained and is in good repair. The program authority shall estimate the annual cost of maintenance and repair of the facility, and of the remaining useful life of the facility. The program authority shall forward a report of its assessment to the City Council.

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- (b) The City Council shall review the offer, taking into account the recommendations of the program authority and other City staff or officials, and may accept or refuse the offer of dedication.
- (c) If the City Council decides to accept the offer of dedication, the document dedicating the stormwater management facility shall be recorded in the office of the clerk of the Circuit Court for the City of Winchester.
- (d) If the dedication of a stormwater management facility is required by City ordinance as a condition of approval of a subdivision plat, then the applicable provision of the City's subdivision ordinance shall apply in lieu of this section.

SECTION 9-67. INSPECTIONS.

The program authority shall inspect any land subject to an approved stormwater management plan, as provided herein:

- (a) The program authority shall inspect the land disturbing activity during construction for:
 - (1) Compliance with the approved erosion and sediment control plan;
 - (2) Compliance with the approved stormwater management plan;
 - (3) Development, updating, and implementing of a pollution prevention plan; and
 - (4) Development and implementation of any additional control measures necessary to address a TMDL.
- (b) The Administrator or any duly authorized agent of the Administrator may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purposes of obtaining information of conducting surveys or investigations necessary in the enforcement of the provisions of this Article.
- (ac) During the installation of stormwater management measures, or the conversion of erosion and sediment control measures into stormwater management measures, the program authority shall conduct periodic inspections to determine whether such measures are being installed as provided in the approved plan.
- (bd) Upon completion of the installation of stormwater management measures, the program authority shall conduct periodic inspections to determine whether such measures are being maintained as provided in the approved plan, or to investigate a complaint pertaining to the plan.
- ~~(ce) The inspections shall be conducted at least annually, measured from the date the installation or implementation of the stormwater management measures is deemed by the program authority to be complete.~~ The inability of the program authority to conduct inspections within the time periods set forth in this ~~paragraph~~ section shall not be deemed to be a failure of the program authority to perform a mandatory duty or a ministerial function, and no liability to the City, the program authority, or any official or employee thereof shall arise therefrom.

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(df) The program authority shall be allowed, after giving notice to the owner, occupier or operator of the land development, to conduct any inspection required by this section. The notice may be either verbal or in writing. Notice shall not be required if the program authority and the owner have entered into a right of entry agreement, or if the owner has granted to the program authority an easement for purposes of inspection and maintenance.

(g) Notwithstanding any other provision of this section or Article, post-construction inspections of stormwater management facilities required by the provisions of this Ordinance shall be conducted by the Administrator or any duly authorized agent of the Administrator pursuant to the City's inspection program, and shall occur, at minimum, at least once every five (5) years except as may otherwise be provided for in the stormwater management facilities maintenance agreement executed in accordance with Section 9-63, measured from the date the installation or implementation of the stormwater management measures is deemed by the program authority to be complete.

SECTION 9-68. DETERMINATION OF NONCOMPLIANCE WITH PLAN; PROCEDURE.

(a) Upon a determination by the program authority that an owner has failed to comply with an approved VSMP authority permit or stormwater management plan, or any conditions thereof, the following enforcement provisions and procedures shall apply:

(1) The program authority shall serve upon the owner, permittee, or person responsible for implementing the permit a written notice to comply. The notice shall be served by certified mail, to the owner's address of record with the City assessor's office, or by personal delivery to the owner, or by personal delivery to an agent or employee at the site of the permitted activities who is supervising such activities. The notice shall:

- (i) Instruct the owner to take corrective measures immediately, when immediate action is necessary to prevent or abate drainage, erosion, or water pollution problems;
- (ii) Specify the measures required to comply with the approved plan or permit, or any conditions thereof;
- (iii) Specify the time within which such required measures must be completed; and
- (iv) Include copies of inspection reports or other such documentation demonstrating non-compliance with the approved plan or permit, or any conditions thereof.

(2) If a permittee fails to comply with a notice issued in accordance with paragraph (a)(1) of this section within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are

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obtained, and specified corrective measures have been completed. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by the Administrator or any duly authorized agent of the Administrator. However, if the Administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with Section 9-69.

- (3) If the owner fails to take corrective measures stated in the notice to comply, within the time specified in the notice, then the City may revoke any building permit or other permit for activities involving the land development, and the owner shall be deemed to be in violation of this Article.
- (34) If the program authority determines, upon completion of a maintenance inspection, that maintenance or repair of the measures has been neglected, or that any stormwater management facility is a danger to public health or safety, it may perform the work necessary to assure that such measures or facilities are not a danger to public health or safety, and shall be entitled to recover the costs of such work from the owner. In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument pursuant to Section 9-9 and/or Section 9-63 of this Chapter, the Administrator may enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.
- (5) In addition to any other remedy provided by this ordinance, if the Administrator or his designee determines that there is a failure to comply with the provisions of this Ordinance, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with the Public Services Standards Manual, as applicable.

SECTION 9-69. PENALTIES, INJUNCTIONS AND OTHER LEGAL ACTIONS.

Enforcement of this Article shall be as follows:

- (a) Any person who violates any provision of this Article shall be guilty of a

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misdemeanor and shall be subject to a fine not exceeding one thousand dollars (\$1,000.00), or up to 30 days imprisonment for each violation, or both.

Notwithstanding any other civil or equitable remedy provided by this Section or by law, any person who willfully and negligently violates any provision of this Article, any order of the Administrator, any condition of a permit, or any order of a court shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500 nor more than \$32,500, or both.

- (b) Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Administrator may be compelled in a proceeding instituted in Circuit Court by the City to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. The City may apply to the Circuit Court to enjoin a violation or threatened violation of the provisions of this Article, without the necessity of showing that an adequate remedy at law exists.
- (c) Without limiting the remedies that may be obtained pursuant to this section, the City may bring a civil action against any person for violation of any provision of this Article, or of any term or condition of a permit, plan, or maintenance agreement. The action may seek the imposition of a civil penalty of not more than two thousand dollars (\$2,000.00) against the person for each violation. Each day of violation of each requirement shall constitute a separate offense. The Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court. In imposing a civil penalty pursuant to this paragraph, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance. Violations for which a penalty may be imposed under this paragraph shall include but not be limited to the following:
- (1) No state permit registration;
 - (2) No SWPPP;
 - (3) Incomplete SWPPP;
 - (4) SWPPP not available for review;
 - (5) Failure to install stormwater BMPs;
 - (6) No approved erosion and sediment control plan;
 - (7) Stormwater BMPs improperly installed or maintained;
 - (8) Operational deficiencies of stormwater BMPs;
 - (9) Failure to conduct required inspections or maintenance;
 - (10) Incomplete, improper, or missed inspections; and
 - (11) Discharges not authorized or not in compliance with the requirements of Section 9VAC25-880-70 of the general permit coverage issued for the land-disturbing activity.

Any civil penalties assessed by a court as a result of a summons issued by the City shall be paid into the treasury of the City to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct.

- (d) With the consent of any person who has violated or failed, neglected or refused to

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obey, or comply with any permit, obligation or a plan or agreement, or any provision of this Article, the program authority may provide, in an order issued by the program authority against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified above in paragraph (c). Such civil charges shall be in lieu of any civil penalty which could be imposed under paragraph (c).

~~SECTION 9-70. REVIEW OF CERTAIN PROGRAM AUTHORITY ACTIONS.~~

~~Any person who is aggrieved by any action of the program authority because of its disapproval of a plan submitted pursuant to this Article, or in the interpretation of the provisions of this Article, shall have the right to apply for and receive a review of such action by the City Council, as provided herein.~~

~~(a) An appeal shall be filed in writing with the clerk of the board of supervisors within thirty (30) days of the date notice of the action is given by the program authority or, if an exception to the requirements of this Article as provided in section 17-308 is requested and denied, within thirty (30) days of the date notice of the denial of such exception. Notice shall be deemed to be given on the date that it is mailed or is hand delivered.~~

~~(b) When reviewing the program authority's action, the City Council shall consider evidence and opinion presented by the aggrieved person, the program authority, and such other persons as shall be deemed by the City Council to be necessary for a complete review of the matter. The City Council may affirm, reverse or modify the program authority's action. The decision of the City Council shall be final, subject only to review by the Circuit Court as provided in Virginia Code § 10.1-603.13.~~

~~(c) For the purposes of this section, the term *person aggrieved* shall be limited to the owner, owners of adjacent or down-stream property, and any interested governmental agency or officer thereof.~~

SECTIONS 9-~~71-70~~ - 9-79. RESERVED.

ARTICLE IV. STREAM BUFFERS

SECTION 9-80. DUTY TO RETAIN OR ESTABLISH STREAM BUFFER.

(a) Except as otherwise provided in this Article, any land adjacent to the following listed waters, and/or nontidal wetlands adjacent to these streams, shall provide

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buffers for the purposes of retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff:

- (1) Abrams Creek
 - (2) Town Run
 - (3) Hogue Run
 - (4) Buffalo Lick Run
 - (5) Redbud Run
- (b) A required stream buffer shall be no less than thirty-five (35) feet wide on each side of the stream, which buffer shall be measured horizontally from the top of the stream bank.
- (c) Existing stream buffers shall be retained, except as allowed in §9-83(d).
- (d) Each required stream buffer shall be maintained and incorporated into the design of the land development to the fullest extent possible.
- (e) Within a required stream buffer, no indigenous vegetation shall be disturbed or removed, except as follows:
- (1) Activities pertaining to the management of the stream buffer, identified in §9-81 of this Article;
 - (2) Development activities authorized in a stream buffer, identified in §9-83;
 - (3) Activities authorized in §9-82;
 - (4) Tilling, planting or harvesting of agricultural or horticultural crops in home gardens.
- (f) With respect to developments that are required to have an approved site plan, and involving land containing existing and/or required stream buffers, contour lines shall be shown at two-foot intervals. In any case where any proposed development

(Ord. No. 2007-14, 5-8-07)

SECTION 9-81. MANAGEMENT OF A STREAM BUFFER.

Each stream buffer required to be established or maintained pursuant to this Article shall be managed as provided herein:

- (a) The target vegetative cover in a stream buffer area shall be an indigenous riparian forest with ground cover, shrub and tree canopy layers.
- (b) Within twenty-five (25) feet of the top of the stream bank and on land classified as nontidal wetland:
 - (1) Indigenous riparian vegetation shall be preserved, or, where it does not exist, it shall be restored or allowed to evolve by natural succession;

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- (2) Dead, diseased, and dying trees may be removed;
 - (3) Fallen trees that are blocking stream channels, or trees with undermined root systems in imminent danger of falling, may be removed where stream bank erosion is a current or potential problem that outweighs any positive effects the fallen tree or trees may have on the stream ecosystem;
 - (4) Removal or pruning of invasive shrub and vine species is allowed, provided that such removal or pruning is done in a manner that prevents erosion;
 - (5) Unpaved pathways and trails may be constructed and maintained in a manner that will effectively control erosion and to minimize adverse impacts to the buffer, subject to applicable provisions of §9-83, below; and
 - (6) Stormwater channels may be constructed and maintained in a manner that will prevent erosion and minimize adverse impacts to the buffer.
- (c) Beyond twenty-five (25) feet from the top of the stream bank to the limits of the required buffer:
- (1) Dead, diseased and dying trees may be removed;
 - (2) Trees 6 inches in diameter or greater, measured 48 inches from the ground, shall be preserved;
 - (3) Removal or pruning of invasive shrub and vine species shall be allowed, provided that such removal or pruning is done in a manner that prevents erosion; and
 - (4) Unpaved pathways and trails may be constructed and maintained in a manner that will effectively control erosion and minimize adverse impacts to the buffer, subject to applicable provisions of §9-83, below.
 - (5) Stormwater channels may be constructed and maintained in a manner that will prevent erosion and minimize adverse impacts to the buffer.
- (d) Where an existing structure (i.e. building, street, road, bridge, etc.) is located within the buffer, vegetation, not including the ground cover, can be removed within 15 feet of the structure. Removal of additional vegetation can be allowed if required by State or Federal requirements or if necessary for the health, safety or welfare of the City's citizens and approved by the City Engineer.

SECTION 9-82. DEVELOPMENT EXEMPT FROM STREAM BUFFER REQUIREMENTS.

The following types of development shall not be required to retain, establish or manage a stream buffer, provided that the requirements of this section are satisfied:

- (a) The construction, installation, operation and maintenance of electric, gas and telephone transmission lines, railroads, and activities of the Virginia Department of Transportation, and their appurtenant structures, which are accomplished in compliance with the Erosion and Sediment Control Law (Virginia Code §§~~10.1-56062.1-44.15:51~~ et seq.) or an erosion and sediment control plan approved by

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the Virginia ~~Soil and Water Conservation~~ State Water Control Board.

- (b) The construction, installation and maintenance by public agencies of water, sewer, electric and gas lines, including lines constructed by private entities for dedication to public agencies, provided that:
 - (1) To the extent practical, the location of such lines shall be outside required stream buffer areas;
 - (2) No more land shall be disturbed than is necessary to construct, install and maintain the water or sewer lines; and
 - (3) Construction, installation and maintenance of such lines shall comply with applicable federal, state and local requirements and permits and be conducted in a manner that protects water quality.

SECTION 9-83. DEVELOPMENT AUTHORIZED IN A STREAM BUFFER.

If otherwise authorized by applicable regulations of the City's zoning ordinance, the following land development activities shall be allowed in a stream buffer area, provided that the requirements of this section are satisfied and performance standards established by the program authority are met:

- (a) A building or structure which existed on the date of adoption of this Chapter may continue at such location. However, nothing in this section authorizes the continuance, repair, replacement, expansion or enlargement of such building or structure except as authorized by the City's zoning ordinance.
- (b) On-site or regional stormwater management facilities, and temporary erosion and sediment control measures, provided that:
 - (1) To the extent practical the location of such facilities shall be outside the stream buffer;
 - (2) No more land shall be disturbed than is necessary to provide for construction and maintenance of the facility;
 - (3) The facilities are designed and constructed so as to minimize impacts to the functional value of the stream buffer and to protect water quality; and
 - (4) Facilities located within a floodplain adhere to floodplain regulations and are designed and located, to the extent practical, to maintain their water quantity and/or water quality control value during flood conditions.
- (c) Water dependent facilities, passive recreation access (such as unpaved pathways and trails), historic preservation, and archaeological activities, provided that all applicable federal, state, and local permits are obtained.
- (d) Development in a stream buffer, where authorized by the program authority in the circumstances described below, may be allowed if a mitigation plan is submitted to and approved by the program authority pursuant to §9-84:

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- (1) On a lot which was of record prior to the date of adoption of this Chapter, if:
 - (i) Establishment or preservation of the stream buffer would result in the loss of a building site, and there are no other available building sites outside the stream buffer on the lot, or
 - (ii) The proposed development consists of redevelopment not exceeding the current level of encroachment resulting from existing improvements, or
 - (iii) The proposed development is for construction of an accessory building or structure (including, without limitation, an accessory apartment) permitted by the City's zoning ordinance.
- (2) On a lot on which development within the stream buffer will consist of an ecological/wetland restoration project;
- (3) On a lot on which the development in the stream buffer will consist of the construction and maintenance of a driveway or roadway, and the program authority determines that the stream buffer would prohibit reasonable access to a portion of the lot which is necessary for the owner to have a reasonable use of the lot;
- (4) On a lot on which the development in the stream buffer will consist of the construction and maintenance of a paved pathway or trail not exceeding five (5) feet in width;
- (5) On a lot which was of record prior to the date of adoption of this Chapter, on which development within the stream buffer will consist of the construction, installation and maintenance of water and sewer facilities or sewage disposal systems, and the program authority determines that the stream buffer would prohibit the practicable development of such facilities or systems.
- (6) On a lot on which the development in the stream buffer will consist of the construction and maintenance of the Green Circle Trail System.

(Ord. No. 2007-14, 5-8-07)

SECTION 9-84. MITIGATION PLAN REQUIRED.

Each owner who seeks to develop in a stream buffer pursuant to §9-83(d) shall submit to the program authority for review and approval a mitigation plan as provided herein:

- (a) The owner shall submit a mitigation plan that satisfies the applicable requirements of this section; the required fee, as set forth within the most recent fee schedule approved by City Council; and a certification stating that all requirements of the approved plan will be complied with.
- (b) The mitigation plan shall be reviewed by the program authority to determine whether it complies with the requirements of this section and all other

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requirements of this Article. The program authority shall approve or disapprove a mitigation plan within 30 days of the date that a complete plan was accepted for review. The decision shall be in writing and shall be communicated to the owner. If the plan is disapproved, the reasons for such disapproval shall be stated in the decision.

(c) Each mitigation plan shall:

- (1) Identify the impacts of proposed development on water quality and lands within the stream buffer;
- (2) Identify the alternatives to development in the stream buffer that have been explored by the applicant;
- (3) Ensure that, where development does take place within a stream buffer, it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of the stream buffer;
- (4) Demonstrate and assure that development will be conducted using best management practices;
- (5) Specify mitigation which will address water quality and stream buffer impacts; and
- (6) Contain other information requested by the program authority.

(d) Each mitigation plan shall be evaluated by the program authority based on the following criteria:

- (1) Whether all reasonable alternatives to development in the stream buffer have been explored and exhausted;
- (2) Whether the development in the stream buffer is the minimum necessary and is to be conducted in a manner that will be least disruptive to the natural function of the stream buffer; and
- (3) Whether best management practices will effectively mitigate adverse impacts from the encroachment on the stream buffer and its natural functions.

SECTION 9-85. INSPECTIONS

The program administrator shall inspect any land subject to establishing a vegetated stream buffer to insure that the buffers are installed as per the criteria outlined in Article IV.

SECTIONS 9-86 - 9-89. RESERVED.

ARTICLE V. STORM SEWER DISCHARGES

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SECTION 9-90. FINDINGS AND DETERMINATIONS.

- (a) Pollutants in stormwater from many sources are largely uncontrolled and have an adverse impact upon the quality of receiving waters. Major sources of stormwater that cause water quality impacts include construction sites, illicit connections, illegal discharges and industrial activities.
- (b) Amendments to the Federal Clean Water Act (CWA) in 1987 required the United States Environmental Protection Agency to establish National Pollutant Discharge Elimination System (NPDES) requirements for municipal separate storm sewer (MS4) systems. NPDES regulations require the City to control through ordinance, permit, contract or other available means (collectively, the City's "stormwater management program") the contribution of pollutants into waters of the United States.
- (c) This Article is adopted as an integral part of the City's stormwater management program.

SECTION 9-91. DISCHARGES TO THE CITY'S STORM SEWER SYSTEM.

- (a) It shall be unlawful and a violation of this Article to:
 - (1) Throw, drain, or otherwise discharge into the City's storm sewer system any pollutants or waters containing pollutants other than stormwater;
 - (2) Connect, or cause or allow to be connected, any sanitary sewer to the storm sewer system, any such connections owned or authorized by the City prior to April 11, 2006;
 - (3) Cause or allow any illicit connection to the City's storm sewer system; or
 - (4) Violate any condition or provision of this Article, or any permit or approval granted to allow any stormwater discharges to the City's storm sewer system.
- (b) Subject to the provisions of subsection (c) of this section, the following activities shall not be considered illicit discharges:
 - (1) Water line flushing;
 - (2) Landscape irrigation;
 - (3) Diverting stream flows or rising groundwater, or infiltration of uncontaminated groundwater;
 - (4) Public safety activities, including, but not limited to, law enforcement and fire fighting;
 - (5) Pumping of uncontaminated groundwater from potable water sources, foundation drains, irrigation waters, springs, or water from crawl spaces or footing drains;
 - (6) Lawn watering;

WINCHESTER CODE

- (7) Individual car washing on residential properties;
 - (8) De-chlorinated swimming pool discharges (less than 1 PPM chlorine);
 - (9) Street washing;
 - (10) Any activity authorized by a valid National Pollutant Discharge Elimination System (NPDES) permit, waiver or discharge order, a Virginia Pollutant Discharge Elimination System (VPDES) permit, waiver or discharge order, or a Virginia Pollution Abatement (VPA) permit;
 - (11) Any activity by a governmental entity in accordance with Federal, state, and local regulations and standards for the maintenance or repair of drinking water reservoirs or drinking water treatment or distribution systems; and
 - (12) Any activity by the City, its employees and agents, in accordance with federal, state and local regulations and standards, for the maintenance of any component of its stormwater management system.
 - (13) Discharges specified in writing by the director as being necessary to protect public health and safety.
 - (14) Dye testing, following notification to the City engineer.
- (c) If any of the activities listed in subsection (b), above, of this section are found to be sources of pollutants to public waters, the Program Authority (as defined in §9-5 of this Chapter) shall so notify the person performing such activities and shall order that such activities be stopped or conducted in such manner as to avoid the discharge of pollutants into such waters. The failure to comply with any such order shall be unlawful and a violation of this Article.

SECTION 9-92. WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such a person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION 9-93. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of such compliance may be required in a form acceptable to the Program Authority prior to allowing discharges to the City's storm sewer system.

SECTION 9-94. INSPECTIONS AND MONITORING.

WATER PROTECTION

- (a) The Program Authority shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this ordinance. The Program Authority shall have authority to carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with the provisions of this Article, including the prohibition of illicit discharges to the storm sewer system. The Program Authority may monitor stormwater outfalls or other components of the municipal storm sewer system as may be appropriate in the administration and enforcement of this Article.
- (b) The Program Authority shall have the authority to require pollution prevention plans from any person whose discharges cause or may cause a violation of a VPDES permit.

SECTION 9-95. ENFORCEMENT, PENALTIES, REMEDIES.

- (a) A willful violation of the provisions of this Article shall constitute a Class 1 misdemeanor. Each day that a continuing violation of this Article is maintained or permitted to remain shall constitute a separate offense.

WINCHESTER CODE

- (b) Any person who commits any act prohibited by this Article shall be liable to the City for all costs of testing, containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the storm sewer system.
- (c) Any person who commits any act prohibited by this Article shall be subject to a civil penalty in an amount not to exceed one thousand dollars (\$1,000.00) for each day that a violation continues. The court assessing such penalty may, at its discretion, order that the penalty be paid into the treasury of the City for the purpose of abating, preventing or mitigating environmental pollution.
- (d) The City may bring legal action to enjoin the continuing violation of this Article. The existence of any other remedy, at law or in equity, shall be no defense to any such action.
- (e) The Program Authority shall have authority to order that any activity found to be in violation of this Article be stopped or conducted in such a manner as to avoid the discharge of sewage, industrial wastes or other wastes into the storm sewer system.
- (f) Any discharge caused or permitted to exist in violation of any provisions of this Article constitutes a threat to the public health, safety and welfare, and is hereby declared and deemed a public nuisance. Following receipt of written notice of such nuisance from the Program Authority, if the responsible person fails to abate or obviate such nuisance, then the City may do so and charge and collect the cost thereof from the responsible person, in any manner provided by law (including, without limitation, any manner provided by law for the collection of state or local taxes).
- (g) The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable Federal, State or local law.
- (h) The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.

WATER PROTECTION

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CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: April 15, 2014 **CUT OFF DATE:** _____

RESOLUTION **ORDINANCE** xx **PUBLIC HEARING** xx

ITEM TITLE: Consideration of Implementing a Garbage and Refuse Collection Fee

STAFF RECOMMENDATION: See attached.

PUBLIC NOTICE AND HEARING: Will be required.

ADVISORY BOARD RECOMMENDATION: NA

FUNDING DATA: See attached.

INSURANCE: NA

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

| <u>DEPARTMENT</u> | <u>INITIALS FOR APPROVAL</u> | <u>INITIALS FOR DISAPPROVAL</u> | <u>DATE</u> |
|---------------------------------------------|-------------------------------|---------------------------------|---------------------------|
| 1. Finance | <u> <i>B</i> </u> | _____ | <u> 4/8/14 </u> |
| 2. City Attorney | <u> <i>W</i> </u> | _____ | <u> 4/9/2014 </u> |
| 3. City Manager | <u> <i>DT</i> </u> | _____ | <u> 4-9-14 </u> |
| 4. Clerk of Council | <u> <i>DT</i> </u> | _____ | <u> 4-9-14 </u> |
| Initiating Department Director's Signature: | <u> <i>[Signature]</i> </u> | | <u> 4/7/14 </u> Date |



APPROVED AS TO FORM:

 [Signature] 4/9/2014
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Perry Eisenach, Public Services Director
Date: April 15, 2014 (Council Work Session)
Re: Consideration of Implementing a Garbage Collection Fee

THE ISSUE: City Council consideration of implementing a garbage collection fee.

RELATIONSHIP TO STRATEGIC PLAN: **Goal 2:** Develop a High Performing Organization, and **Goal 4:** Create a More Livable City for All.

BACKGROUND: As part of the proposed FY15 budget process, City Council has discussed the option of implementing a garbage collection fee. Such a fee would provide additional revenues to the General Fund that would be used in support of achieving the goals established in the City's Strategic Plan.

BUDGET IMPACT: Implementing a flat monthly fee for garbage collection would generate the following approximate amount of revenue over a one year period:

| Monthly Fee | Total Annual Revenue |
|-------------|-----------------------------------------|
| \$ 5.00 | \$ 558,000.00 |
| \$ 10.00 | \$ 1,116,000.00 |
| \$ 13.44 | \$ 1,500,000.00 (Full Cost Recovery) |

As discussed previously, implementing a \$5.00 monthly fee on October 1, 2014, would generate approximately \$420,000 during FY15.

OPTIONS: If Council chooses to implement a garbage collection fee, there are two primary options available:

Option A – Flat Monthly Fee Added to Water & Sewer Bill

Option B – Sell Annual Decals or Individual Bag Stickers

Advantages and disadvantages for each option are provided on the attachment.

RECOMMENDATION: If Council chooses to implement a garbage collection fee, the Public Services staff recommends that Council select Option A – a flat monthly fee added to the water and sewer bill.

The attached proposed ordinance would implement a \$5.00 monthly fee effective October 1, 2014 that would be added to the water and sewer bill. This fee would be assessed to every individual residential unit (house, apartment, etc.) and business that receives garbage collection service from the City. This would include the businesses and residential units in the primary and secondary district.

OPTIONS FOR CITY COUNCIL:

- Option A: Flat monthly fee added to the water & sewer bill.
- Option B: Sell annual decals and individual bag stickers.
- Option C: Do not implement a fee for garbage and refuse collection.

City of Winchester
Options for Charging Fees for Garbage Collection
April 2014

| Option | Advantages | Disadvantages |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">Option A</p> <p style="text-align: center;">Flat Monthly Fee on Water/Sewer Bill</p> | <ul style="list-style-type: none"> • Easiest to administer. • Most convenient for residents. • Most likely would result in less illegal dumping or over-weight containers. | <ul style="list-style-type: none"> • Residents that only generate a small amount of waste pay the same as those that generate a larger amount. |
| <p style="text-align: center;">Option B</p> <p style="text-align: center;">Sell Stickers or Decals</p> | <ul style="list-style-type: none"> • Allows residents to pay for the amount of service they receive. The more waste they generate, the more they pay. | <ul style="list-style-type: none"> • More difficult to administer. • Inconvenient for residents to have to purchase decals or stickers. • More illegal dumping and over-weight containers. |

Garbage Collection Fees Charged by Other Localities:

City of Harrisonburg: Residential: \$25/month
 Recycling Only: \$15/month

City of Charlottesville: 13-gallon bag stickers: \$1.05/each
 32-gallon bag stickers: \$2.10/each
 Annual decals (in lieu of stickers): \$94.50/year for 32 gallon container - \$283.50/year for 96 gallon container

City of Fredericksburg: Residential: \$17.25/month (No recycling charge)

Town of Front Royal: Residential: \$12/month for 32 gallon container and \$13.75/month for 96 gallon container

Town of Woodstock: Residential: \$8/month

AN ORDINANCE TO AMEND CHAPTER 11 OF THE WINCHESTER CITY CODE BY ADDING A NEW SECTION, 11-24.1, THAT ESTABLISHES A FEE FOR GARBAGE AND REFUSE COLLECTION

WHEREAS, the City of Winchester provides garbage and refuse collection service to most residents within the City; and

WHEREAS, City Council has determined that it is necessary to charge a fee to help pay for the cost of providing this service which is necessary for the health and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED that Section 11-24.1 is hereby added to the Winchester City Code to read as follows:

SECTION 11-24.1. GARBAGE AND REFUSE COLLECTION FEE.

- (a) The City shall charge all customers that receive garbage and refuse collection service from the City a monthly fee of \$5.00.
- (b) The fee shall be charged separately to every applicable residential unit (house, apartment, duplex unit, etc.) or business.
- (c) The bill for such fees shall be combined with the water and sewer bill for the property in which the same billing cycle and due date shall apply.
- (d) Fees that are not paid by the date due shall be assessed a one-time penalty of ten (10) percent.
- (e) Partial payments received shall be applied proportionately to water, sewer, and garbage collection service based on the ratio of the cost of each service divided by the cost of the total bill.
- (f) The fee shall not be assessed only during periods when the water service for the property is disconnected at the request of the property owner.

THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE OCTOBER 1, 2014.

Ordinance No. _____

ADOPTED by the Common Council of the City of Winchester on the ____ day of _____, 2014.

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

Deputy Clerk of the Common Council

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: April 22, 2014 **CUT OFF DATE:**

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

ITEM TITLE: Authorize Supplemental Appropriations for the FY 2014 budget

STAFF RECOMMENDATION: Approve as recommended; send to public hearing

PUBLIC NOTICE AND HEARING: June 10, 2014

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA:
See attached contract

INSURANCE:
N/A

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

| <u>DEPARTMENT</u> | <u>INITIALS FOR APPROVAL</u> | <u>INITIALS FOR DISAPPROVAL</u> | <u>DATE</u> |
|---------------------|------------------------------|---------------------------------|----------------|
| 1. _____ | _____ | _____ | _____ |
| 2. _____ | _____ | _____ | _____ |
| 3. _____ | _____ | _____ | _____ |
| 4. _____ | _____ | _____ | _____ |
| 5. City Attorney | _____ | _____ | _____ |
| 6. City Manager | <i>[Signature]</i> | _____ | <u>4-16-14</u> |
| 7. Clerk of Council | <i>[Signature]</i> | _____ | <u>4-16-14</u> |

Initiating Department Director's Signature: *[Signature]* 4-15-14
Date

Finance Director



CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Mary Blowe, Finance Director
Date: April 22, 2014
Re: Ordinance to authorize the additional appropriation of funds for necessary expenditures for Fiscal Year 2014

THE ISSUE: The FY 2014 budget needs to be amended to account for additional revenues and proposed expenditures.

RELATIONSHIP TO STRATEGIC PLAN: These budget amendments help to create a more livable City for all, particularly objective 1, to upgrade City school facilities and also develop a high performing organization with the use of grant funds.

BACKGROUND: City Staff is requesting the following amendments to the FY 2014 budget:

- 1. General Fund** to increase by **\$209,960** for the following items: \$17,100 increase to the Information Technology department from \$8,550 grant proceeds and \$8,550 reserves to supply the Emergency Operations Center (EOC) with computer equipment; \$86,771 increase for the Fire Department from state grant funds for computers and Training Officer salary; and \$106,089 from reserves including \$24,878 for Airport operating and \$81,211 for Airport capital projects.
- 2. School Funds** – see attached School Board Resolutions dated March 3, 2014, March 31, 2014 and April 14, 2014.

BUDGET IMPACT: The City's budget will increase to allow for the expenditure of grant funds and bond proceeds.

OPTIONS: Adopt ordinance as presented or amend the ordinance.

RECOMMENDATIONS: Staff recommends the adoption of this ordinance.

**WINCHESTER PUBLIC SCHOOLS
SCHOOL BOARD RESOLUTION
MARCH 3, 2014**

Be it resolved that the Winchester City School Board requests the following budget amendments for fiscal year 2013-2014:

SCHOOL OPERATING FUND

PROJECT GRADUATION INCREASE OF \$4,800. These reimbursable state funds will target students who have not achieved a verified credit in English, Writing, Reading, and/or Algebra.

DONATION FROM WINCHESTER MEDICAL CENTER FOR \$11,250. These funds will be used to offset the cost of the Health Science Teacher at Handley High School.

DONATION FROM MR. AND MRS. GERALD SMITH FOR \$50,000. This donation will be used to fund the teacher salary for the Porterfield Endowment Chair at Handley High School.

INCREASED STATE FUNDING FOR THE REGIONAL PROGRAMS OF \$97,800. These funds will be used to purchase marching band uniforms for Daniel Morgan Middle School (\$35,800) and Handley High School (\$37,000). Also it will fund the VSBA study (\$5,000) and the Superintendent search (\$20,000).

INCREASED STATE FUNDING FOR THE CAREER SWITCHER NEW TEACHER MENTOR PROGRAM OF \$1,000. These funds were used to award a \$1,000 to a new teacher enrolled in the Career Switcher Program.

INCREASED STATE FUNDING AWARD BONUS FOR NATIONAL BOARD CERTIFICATIONS OF \$30,000. These funds will be awarded to National Board Certified teachers. WPS currently has ten teachers with National Board certifications: eight continuing awards of \$2,500 each and two initial awards of \$5,000.

DONATION FROM THE ADAMS FAMILY FOUNDATION OF \$13,500. These funds will be used mainly in our early childhood literacy initiatives, with the majority of the funding going to Quarles Elementary (QES) and Va. Avenue Charlotte DeHart Elementary Schools (VACDES). These funds were distributed as follows: QES \$5,000, VACDES \$5,000, Frederick Douglass Elementary \$1,000 and John Kerr Elementary \$1,000. \$1,500 was also distributed to Daniel Morgan Middle School for tutoring programs.

DONATION FROM THE UNITED WAY THROUGH THE WINCHESTER EDUCATION FOUNDATION OF \$10,000. The majority of the funding will be used to purchase equipment for the health science classroom. Remainder of the funds will be spent on consumable goods for those students to earn CPR.

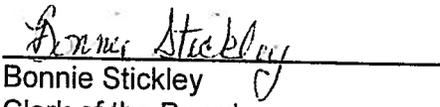
**BUDGET AMENDMENTS
MARCH 3, 2014**

INCREASED STATE FUNDING AWARD BONUS FOR STEM TEACHER RECRUITMENT AND RETENTION INCENTIVE AWARDS OF \$10,000. Successful teachers participating in the pilot program will be eligible to receive a \$5,000 initial incentive award after the completion of the first year of teaching with a satisfactory performance evaluation and a contract for the following year in our division. WPS had two teachers that are tentatively eligible for this award in June

DONATIONS FOR THE HOMELESS OF \$1,629. Selma employees donated \$1,629 for the homeless for Thanksgiving and Christmas to purchase meals and gifts.



Erica Truban
Chairman



Bonnie Stickley
Clerk of the Board

**WINCHESTER PUBLIC SCHOOLS
SCHOOL BOARD RESOLUTION
MARCH 31, 2014**

Be it resolved that the Winchester City School Board requests the following budget amendments for fiscal year 2013-2014:

SCHOOL OPERATING FUND

ADDITIONAL STATE FUNDING OF \$129,235 DUE TO INCREASED ADM (Average Daily Membership). The budgeted ADM for FY 2014 was 4,060 and it is estimated to be 4,116 at March 31, 2014 (see attachment). Revenues from the state for FY 2014 are based on the average daily membership from September 2013 through March 31, 2014. The State also decreased the estimated sales tax by \$115,910. These reimbursable state funds will be used for:

| DESCRIPTION | AMOUNT |
|---------------------------|------------------|
| Transfer to textbook fund | \$129,235 |
| TOTAL | \$129,325 |

State funded in FY 2014 \$369,329 for textbook funds. \$197,776 is the state share and \$171,553 is the local share. These textbook funds will be carried forward in FY 2015 for purchase of textbooks.

WORKER'S COMPENSATION DIVIDENDS OF \$36,888. These funds will be used to increase funding in the payroll accounts.

SURPLUS FUNDS AT YEAR-END. Any remaining surplus funds for fiscal year 2014 will be transferred to the Capital Improvement Fund (CIP) and Textbook fund.

FOOD SERVICES FUND

Fund balance transfer of \$90,750. These funds will be used to purchase the following equipment and will also help to offset food purchase cost and labor costs.

| School | Description |
|--------------------|------------------------------------------------------------------------------------------------------------|
| QES | POS computer for another breakfast tray line |
| | Steamer |
| | 2 door reach-in Refrigerator |
| | 2 door reach-in Freezer |
| HHS | New steam table tray line |
| FDES | Upgraded Manager's computer to be compatible with new Software |
| | New Milk Cooler |
| All Schools | Upgraded all school POS computers on the tray lines to all touch screen |
| | Computers. This was needed to make them faster and more compatible to our current software and networking. |

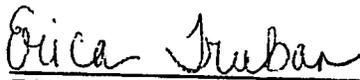
The current fund balance for the food services fund totals \$607,762.

ADDITIONAL STATE FUNDING OF \$90. These reimbursable state funds will be used for salaries.

BUDGET AMENDMENTS
MARCH 31, 2014

SCHOLARSHIP FUNDS

INTERNAL TRANSFER OF FUNDS FROM CHECKING TO THE INVESTMENT POOLED SCHOLARSHIP FUNDS OF \$13,465. These funds were received from a trust fund set-up by Della Stine and held by BB&T for scholarships for students attending Dowell J. Howard from Frederick County, Clarke County, and Winchester. These funds were distributed to each locality by BB&T since this regional program no longer exists. They will be used to provide Scholarships to Handley High School Students in the future.



Erica Truban
Chairman



Bonnie Stickley
Clerk of the Board

Finance\RS\03.31.2014 budget amendments

**WINCHESTER PUBLIC SCHOOLS
SCHOOL BOARD RESOLUTION
APRIL 14, 2014**

Be it resolved that the Winchester City School Board requests the following budget amendments for fiscal year 2013-2014:

SCHOOL CONSTRUCTION FUND

BOND PROCEEDS AND ACCUMULATED INTEREST OF \$20,006,700. The bond proceeds of \$20,000,000 for John Kerr Elementary School was received by the City of Winchester on October 30, 2013. Accumulated estimated interest to-date is \$6,700. City Finance department transferred these funds to the School Construction fund on April 10, 2014.

Erica Truban
Chairman

Bonnie Stickley
Clerk of the Board

Finance\RS\04.14.2014 budget amendments

COMMON COUNCIL



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

AN ORDINANCE TO AUTHORIZE THE ADDITIONAL APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2014

WHEREAS, Council approves the following additional funds for the purposes herein specified for the fiscal year ending June 30, 2014:

GENERAL FUND

REVENUE

| | |
|-----------------------------------------|----------------|
| State | 40,771 |
| Federal | 8,550 |
| Fire Program Reserves | 46,000 |
| Fund Balance/Supplemental Appropriation | <u>114,639</u> |
| TOTAL GENERAL FUND REVENUE | 209,960 |

EXPENDITURES

| | |
|---------------------------------|----------------|
| General Government | 17,100 |
| Public Safety | 86,771 |
| Community Development | <u>106,089</u> |
| TOTAL GENERAL FUND EXPENDITURES | 209,960 |

SCHOOL OPERATING FUND

REVENUE

| | |
|--------------------------------|----------------|
| Local | 123,267 |
| State | <u>272,835</u> |
| TOTAL SCHOOL OPERATING REVENUE | 396,102 |

EXPENDITURES

| | |
|-------------------------------------|----------------|
| Instruction | 215,979 |
| Administration, Attendance & Health | 35,000 |
| Transportation | 2,000 |
| Operations | 13,888 |
| Debt & Fund Transfers | <u>129,235</u> |
| TOTAL SCHOOL OPERATING EXPENDITURES | 396,102 |

SCHOOL FOOD SERVICES FUND

REVENUE

| | |
|------------------------------------|---------------|
| Federal | 90 |
| Fund Balance | <u>90,750</u> |
| TOTAL SCHOOL FOOD SERVICES REVENUE | 90,840 |

EXPENDITURES

| | |
|-----------------------------------------|---------------|
| Food Services | <u>90,840</u> |
| TOTAL SCHOOL FOOD SERVICES EXPENDITURES | 90,840 |

SCHOOL TEXTBOOK FUND

REVENUE

| | |
|-------------------------------|----------------|
| Transfers | <u>129,235</u> |
| TOTAL SCHOOL TEXTBOOK REVENUE | 129,235 |

EXPENDITURES

| | |
|------------------------------------|----------------|
| Instruction | <u>129,235</u> |
| TOTAL SCHOOL TEXTBOOK EXPENDITURES | 129,235 |

SCHOOL CONSTRUCTION FUND

REVENUE

| | |
|-----------------------------------|-------------------|
| Local | 6,700 |
| Transfers | <u>20,000,000</u> |
| TOTAL SCHOOL CONSTRUCTION REVENUE | 20,006,700 |

EXPENDITURES

| | |
|----------------------------------------|-------------------|
| Facilities | <u>20,006,700</u> |
| TOTAL SCHOOL CONSTRUCTION EXPENDITURES | 20,006,700 |

SCHOOL SCHOLARSHIP FUNDS

REVENUE

| | |
|----------------------------------|---------------|
| Local | 13,465 |
| Transfers | <u>13,465</u> |
| TOTAL SCHOOL SCHOLARSHIP REVENUE | 26,930 |

EXPENDITURES

| | |
|---------------------------------------|---------------|
| Transfer out | 13,465 |
| Other | <u>13,465</u> |
| TOTAL SCHOOL SCHOLARSHIP EXPENDITURES | 26,930 |

WHEREAS, there is available in the general fund an unencumbered and unappropriated sum sufficient to meet such appropriations, and

WHEREAS, all appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully obligated or encumbered, and

WHEREAS, all ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Winchester that the additional appropriations specified herein are hereby appropriated for the purposes specified for the fiscal year ending June 30, 2014.

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: 04/22/2014 **CUT OFF DATE:** ____

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

ITEM TITLE: Application for Real Estate Tax Exemption for Property Owned by the Society for the Prevention of Cruelty to Animals (SPCA)

STAFF RECOMMENDATION: Approve

PUBLIC NOTICE AND HEARING:

ADVISORY BOARD RECOMMENDATION:

FUNDING DATA:

INSURANCE:

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

| <u>DEPARTMENT</u> | <u>INITIALS FOR APPROVAL</u> | <u>INITIALS FOR DISAPPROVAL</u> | <u>DATE</u> |
|----------------------------------------------------------------|------------------------------|---------------------------------|-------------------------|
| 1. Finance | <u>JS</u> | _____ | <u>4/16/14</u> |
| 2. Treasurer _____ | <u>Pth</u> | _____ | <u>4/16/14</u> |
| 3. _____ | _____ | _____ | _____ |
| 4. City Attorney | _____ | _____ | _____ |
| 5. City Manager | <u>DPH</u> | _____ | <u>4.16.14</u> |
| 6. Clerk of Council | _____ | _____ | _____ |
| Initiating Department Director's Signature: <u>[Signature]</u> | _____ | _____ | <u>04/16/14</u> Date |

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Ann T. Burkholder, Commissioner of the Revenue
Date: 04/16/2014 *ATB*
Re: Application for Real Estate Tax Exemption by SPCA of Winchester, Frederick and Clarke Counties

THE ISSUE: The Society for the Prevention of Cruelty to Animals (SPCA) of Winchester, Frederick and Clarke Counties has submitted to the Commissioner of the Revenue an application for real estate tax exemption by designation on property at 111 Featherbed Lane and 1944 Abrams Creek Drive. In order to be eligible for exemption, both the ownership and use of the property must meet certain state and local criteria.

This organization already enjoys real estate tax exemption on the adjoining parcel, 115 Featherbed Lane, which has been exemption by designation since purchase by the SPCA in 2004

RELATIONSHIP TO STRATEGIC PLAN: As the SPCA provides core services which the City would otherwise have to provide, this relates to Goal 2: Create a high-performing City organization and to Goal 4: Create a more livable City for all.

BACKGROUND: Pursuant to Code of the City of Winchester §27-32, any organization seeking an exemption by designation shall file an application with the Commissioner of the Revenue by November 1 preceding the year for which property tax exemption is sought. Following review and approval by various offices and departments, the City Manager shall present an ordinance proposal for exemption, together with estimated revenue impact and other pertinent information, to the City Council for consideration as part of the annual budget.

It is the determination of the Commissioner of the Revenue that the SPCA has complied with all application requirements and meets all state and local qualifications for exemption as a charitable organization.

In May of 2013, the SPCA purchased the parcel under consideration, known as 111 Featherbed Lane (Building 1) and 1944 Abrams Creek Drive (Building 2).

BUDGET IMPACT: Building 1 is commonly known as the former Impressions Plus site and will be used solely and exclusively by the SPCA in furtherance of its mission. This portion of the property is eligible for exemption. Current assessed value: \$889,700. Annual taxes at 2013 rate of \$0.95/\$100 = \$8,452.15.

Building 2 is under lease to another entity at a rate which can be considered market value. Although the lessee is a not-for-profit entity, the lease itself is a profitable transaction, and thus this portion of the property is not currently eligible for exemption. Current assessed value: \$822,700

OPTIONS: City Council has the option to approve or deny this request.

RECOMMENDATION: Pursuant to Code of the City of Winchester §27-32 et seq, the Commissioner of the Revenue and City Manager request that City Council approve this request.

**AN ORDINANCE TO APPROVE THE APPLICATION
OF THE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS OF
WINCHESTER, FREDERICK AND CLARKE COUNTIES
FOR TAX EXEMPT STATUS BY DESIGNATION
PURSUANT TO CHAPTER 27 DIVISION 5 OF CODE OF THE CITY OF
WINCHESTER**

WHEREAS, The Society for the Prevention of Cruelty to Animals (SPCA) of Winchester, Frederick and Clarke Counties is a charitable not-for-profit organization which provides core services to the City; and

WHEREAS, The SPCA has previously been granted tax exemption for property owned at 115 Featherbed Lane and used directly for its mission; and

WHEREAS, The SPCA has properly submitted a request for tax exemption by designation pursuant to Chapter 27 Division 5 of Code of the City of Winchester for property recently purchased at 111 Featherbed Lane and 1944 Abrams Creek Drive; and

WHEREAS, in accordance with codified requirements, the Office of the Commissioner of Revenue, the Office of the Treasurer and City Attorney have reviewed the request and based upon this review, the Manager has submitted a recommendation to Common Council of approval of said request for those portions of the property owned by the SPCA and used directly in furtherance of its mission; and

WHEREAS, proper Notice and a Public Hearing have been held as required by Code of the City of Winchester §27-32(b),

NOW therefore be it ordained that the request for tax exempt status of the SPCA is hereby granted. In accordance with §27-36 of Code of the City of Winchester, this property shall be subject to a triennial review of exemptions.



Ann T. Burkholder, Commissioner of the Revenue
15 North Cameron Street
Winchester, VA 22601
Email: commrevenue@winchesterva.gov

Telephone: (540) 667-1815
FAX: (540) 667-8937
TDD: (540) 722-0782
Website: www.winchesterva.gov

To: Jeff Barbour, Treasurer
Tony Williams, City Attorney
Dale Iman, City Manager

From: Ann T. Burkholder

Date: January 02, 2014

**SUBJECT: Application for Real Estate Tax Exemption by SPCA
of Winchester, Frederick and Clarke Counties**

The Society for the Prevention of Cruelty to Animals (SPCA) of Winchester, Frederick and Clarke Counties has submitted to the Commissioner of the Revenue an application for real estate tax exemption by designation on property at 111 Featherbed Lane and 1944 Abrams Creek Drive. In order to be eligible for exemption, both the ownership and use of the property must meet certain state and local criteria.

This organization already enjoys real estate tax exemption on the adjoining parcel, 115 Featherbed Lane, which has been exemption by designation since purchase by the SPCA in 2004.

Eligibility for Exemption - Organization

It is the determination of the Commissioner of the Revenue that the SPCA has complied with all application requirements and meets all state and local qualifications for exemption as a charitable organization.

Eligibility for Exemption – Real Property

In May of 2013, the SPCA purchased the parcel under consideration, known as 111 Featherbed Lane (Building 1) and 1944 Abrams Creek Drive (Building 2).

Building 1 is commonly known as the former Impressions Plus site and will be used solely and exclusively by the SPCA in furtherance of its mission. This portion of the property is eligible for exemption. Current assessed value: \$889,700. Annual taxes at 2013 rate of \$0.95/\$100 = \$8,452.15.

Building 2 is under lease to another entity at a rate which can be considered market value. Although the lessee is a not-for-profit entity, the lease itself is a profitable transaction, and thus this portion of the property is not currently eligible for exemption. Current assessed value: \$822,700.



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601
Email: commrevenue@ci.winchester.va.us

Telephone: (540) 667-1815
FAX: (540) 667-5298
TDD: (540) 722-0782
Website: www.winchesterva.gov

APPLICATION FOR REAL ESTATE TAX EXEMPTION BY QUALIFYING CLASSIFICATION OR DESIGNATION

For any answers that require more space, please include attachments

Tax Parcel ID#: 14812 Acreage: 1.799ac

Property Owner: SPCA of Winchester, Frederick and Clarke Counties

Name of Organization (if different from Property Owner): _____

Mailing Address Street: 115 Featherbed Lane

Mailing Address City, State, Zip: Winchester, VA 22601

Property Address: 111 Featherbed Lane (Bldg 1) & 1944 Abrams Creek Drive (Bldg 2)

Legal Description of Property: 1.799 acres of land with improvements of two buildings

1. Indicate the type of exemption desired: Classification _____ Designation X
Exemptions by classification shall be strictly construed in accordance with Article X, Section 6(f) of the Constitution of Virginia.
2. By what specific section of the Constitution and the Code of Virginia do you claim this exemption?
Chap 36 Code of the Code of Virginia 58.1
3. Is the property ownership chartered or incorporated under the laws of the Commonwealth of Virginia?
Yes X No _____ (If yes, attach a copy of the charter)
4. For what purpose is the ownership chartered, incorporated or otherwise in existence?
"...to organize a Society for the Prevention of Cruelty to Animals within the Corporate limits of the City of Winchester, Virginia with all such powers as are now, and may hereafter be conferred upon such Corporation by Law" as set forth in the original Certificate of Incorporation dated February 11, 1907

To be a financially sound city providing top quality municipal services while focusing on the customer and engaging our community

5. For what purpose is the property being used? Please be specific and include use of acreage, if applicable. If there are several types of use, indicate such usages by areas of the building, floor locations and land allocations.

| Acreage/Portion | Description of Use | Beginning Date |
|-------------------|----------------------------------------------------------------|------------------|
| <u>approx 1/2</u> | <u>Bldg 1 - Animal Adoption Center per submitted</u> | <u></u> |
| <u></u> | <u>plans to include 1) areas for housing animals,</u> | <u></u> |
| <u></u> | <u>2) areas providing interaction of animals and potential</u> | <u></u> |
| <u></u> | <u>adopters, and</u> | <u></u> |
| <u></u> | <u>3) offices for the adoptions process and</u> | <u>7/15/2013</u> |

6. Does any other individual, organization, association or corporation occupy or use any part of the premises? Yes X No

If yes, give details: (How often, what part of the building or property, name of organization)
Bldg 2 (Known as 1944 Abrams Creek Drive) is a warehouse leased to another IRS approved
not-for-profit organization under IRC Section 501(c)(3) - Habitat for Humanity- for their Restore
function.

Based upon the City Assessor's records and the appraisal done for financing the purchase, the
valuation of Bldg 1 and Bldg 2 are approximately equal.

7. Is any income, be it earnest money or in kind services, received from the use of any portion of the property by other individuals or groups, whether considered as rent or reimbursement for necessary expenses for services incurred? Yes X No

If yes, please give details:

The Restore building used by Habitat for Humanity is leased from the SPCA.

The SPCA Adoption Center will not be used by other organizations

8. Does your ownership group have an exemption under U. S. Internal Revenue code so that gifts to your group are deductible by the donor? Yes X No

(a) If yes, give date of Internal Revenue ruling: March 7, 1986

(b) Give Internal Revenue Identification number: 54-6053158

9. REQUIRED DOCUMENTATION

- (a) Attach to this application your most recent financial statement, including, where applicable, IRS Forms 900; 990; 990EZ; 990T; reflecting income and expenditures for the most current twelve (12) month reporting period, which statement will become a part of this application. The attached financial statement is for the period from July 1, 2012 to June 30, 2013. (See Cover letter.)
- (b) Attach a copy of the organization's Constitution, By-Laws, Articles of Incorporation, and/or other related documents.
- (c) Attach a list reflecting the names of all trustees or corporate/organization officers, the date appointed or elected, and the court in which they qualified or identify the instrument in which they were officially appointed.
- (d) If investments, such as stock or bonds, are reflected on the financial statement, attach a list of all such investments, including name of stock, date received and value.
- (e) If applying for exemption by designation, please attach a check or money order made payable to the 'Commissioner of the Revenue' in the amount of \$350.00 for the applicable deposit for publication as required under Section 27-32 of the City Code.

10. FILING DEADLINE AND EFFECTIVE DATE OF EXEMPTION

- (a) For exemption by classification, the applicant may file at any time. The Commissioner of the Revenue shall determine effective date of exemption based upon dates of qualifying ownership and usage.
- (b) For exemption by designation, the applicant must submit a completed application with all supporting documentation on or before November 1. Applications, if fully approved, shall then take effect July 1 of the following year.

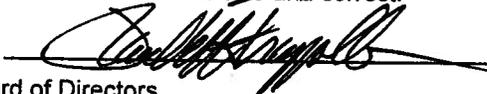
For additional information, please refer to Code of the City of Winchester §§27-31 - 27-37, available on the City's website. The office of the Commissioner of the Revenue will gladly provide assistance with the application process.

Application completed by: William Nordman

Title: Accountant Date Submitted: _____

Contact person: Paul Frappollo Telephone Number: 540-662-8616

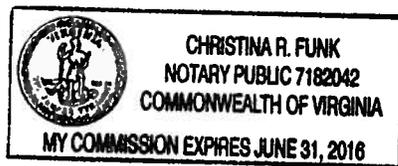
I, Paul Frappollo, an appointed or elected Trustee/Officer for the above named organization, certify under penalty of law that this application and all attachments hereto have been examined by me and all information is true and correct.

Signature of Trustee/Officer: 
Title: President of the Board of Directors Date: _____

Subscribed and sworn to before me this 31st day of October 2013

Notary Public: Christina R Funk

My commission expires: June 31, 2016



CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 4/22/14 (Work Session), CUT OFF DATE: 4/16/14
5/13/14 (First Reading) 6/10/14 (Second Reading/Public Hearing)

RESOLUTION ___ ORDINANCE X PUBLIC HEARING X

ITEM TITLE:

TA-14-118 AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 6, 7, 8, 9, 10, 13, 15.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS, PERMITTED USES, AND USES REQUIRING A CONDITIONAL USE PERMIT FOR ALTERNATIVE FINANCIAL INSTITUTIONS (Proposal establishes definitions for several short term lending operations and establishes the uses as permissible with a conditional use permit in several commercial districts.)

STAFF RECOMMENDATION:

Approval.

PUBLIC NOTICE AND HEARING:

Public hearing required at second reading on 6/10/14.

ADVISORY BOARD RECOMMENDATION:

Planning Commission unanimously recommended approval.

FUNDING DATA: N/A

INSURANCE: N/A

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

| <u>DEPARTMENT</u> | <u>INITIALS FOR APPROVAL</u> | <u>INITIALS FOR DISAPPROVAL</u> | <u>DATE</u> |
|--------------------------------|------------------------------|---------------------------------|----------------|
| 1. Planning | <u>[Signature]</u> | _____ | <u>4/15/14</u> |
| 2. Commissioner of the Revenue | <u>ATB [Signature]</u> | _____ | <u>4/15/14</u> |
| 2. City Attorney | _____ | _____ | _____ |
| 3. City Manager | <u>[Signature]</u> | _____ | <u>4-16-14</u> |
| 4. Clerk of Council | <u>[Signature]</u> | _____ | <u>4-16-14</u> |

Initiating Department Director's Signature: [Signature] 4/15/2014
(Zoning and Inspections)



CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Aaron Grisdale, Director of Zoning and Inspections *AMG*
Date: April 22, 2014
Re: Zoning Text Amendment (TA-14-118) – Alternative Financial Institutions

THE ISSUE:

The proposed Zoning Ordinance text amendment will modify the existing Zoning Ordinance language pertaining to *Short-term loan establishments* and replace the term with *Alternative Financial Institutions* by establishing several uses that will be included within the broader *Alternative Financial Institution* use. The existing provisions that require a conditional use permit for *short-term loan establishments* will be kept for *alternative financial institutions*.

RELATIONSHIP TO STRATEGIC PLAN:

This text amendment correlates to the 2018 Goal #4 of "Create a More Livable City For All" by providing for adequate review and discretion of potential loan establishments of a short term nature.

BACKGROUND:

In April 2010, City Council adopted a zoning text amendment that established provisions for *Short-Term Loan Establishments* within the Zoning Ordinance. As a result of this text amendment, several commercial districts (B-2, B-1, and CM-1) permitted *Short-Term Loan Establishments* with a conditional use permit provided that no such use is located within 500-feet of a similar establishment or residentially-zoned property.

Not long after this amendment was adopted by Council, the General Assembly adopted the *Motor Vehicle Title Loan Act*, which changed some of the operational standards for some of these types of lenders. For example, the act changed the length of time for motor vehicle title loans to no less than 120 days and no more than 12 months. This time frame falls outside the 31-day period that is provided for in the current Zoning Ordinance definition (1-2-86.2), thereby making our ordinance out of date and unenforceable. This amendment aims to bring the Zoning Ordinance back into conformity with the original desires of City Council. (Full staff report attached.)

BUDGET IMPACT:

No funding is required.

OPTIONS:

- Adopt the Zoning Ordinance Text Amendment
- Decline to adopt the Zoning Ordinance Text Amendment

RECOMMENDATIONS:

The Planning Commission recommended approved unanimously.

City Council Work Session
April 22, 2014

TA-14-118 AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 6, 7, 8, 9, 10, 13, 15.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS, PERMITTED USES, AND USES REQUIRING A CONDITIONAL USE PERMIT FOR ALTERNATIVE FINANCIAL INSTITUTIONS

REQUEST DESCRIPTION

This publicly sponsored text amendment was initiated by the Planning Commission at its March 18, 2014 meeting. The proposed amendment involves establishing definitions regarding several types of alternative financial institutions (AFI), modifying the existing provisions pertaining to short-term loan establishments and permitting AFI's with a conditional use permit in several districts provided the proposed use meets a separation requirement from similar uses and residential districts.

STAFF COMMENTS

In April 2010, City Council adopted a zoning text amendment that established provisions for *Short-Term Loan Establishments* within the Zoning Ordinance:

1-2-86.2 SHORT-TERM LOAN ESTABLISHMENT: a business engaged in providing short-term loans of money of an original term of less than 31 days, with or without security given by the borrower or with or without a co-maker, guarantor, endorser or surety, to members of the general public as an element of its operation and which is not a bank or a savings and loan association. Short-term loan establishments shall include businesses offering what is, or is marketed as, payday loans, signature loans, title (to vehicles, boats or other personal property, but not real estate) loans, cash advances, check-cashing loans, small loans and other similar loans; but, does not include pawnshops.

As a result of this text amendment, several commercial districts (B-2, B-1, and CM-1) permitted *Short-Term Loan Establishments* with a conditional use permit provided that no such use is located within 500-feet of a similar establishment or residentially-zoned property.

Not long after this amendment was adopted by Council, the General Assembly adopted the *Motor Vehicle Title Loan Act*, which changed some of the operational standards for some of these types of lenders. For example, the act changed the length of time for motor vehicle title loans to no less than 120 days and no more than 12 months. This time frame falls outside the 31-day period that is provided for in the current Zoning Ordinance definition (1-2-86.2), thereby making our ordinance out of date and unenforceable.

The proposed text amendment will establish several definitions for *Alternative Financial Institutions*, *Check Cashing Establishments*, *Incidental Check Cashing Establishments*, *Motor Vehicle Title Lender*, and *Payday Lender*, along with eliminating the current definition of *Short-Term Loan Establishment*. The term *Alternative Financial Institutions* will encompass each of the various types of lending establishments listed above, with the exception of *Incidental Check Cashing Establishments*. Most of these definitions are set up to reflect the definitions established in the Code of Virginia, to enable our local ordinance to be flexible and reflect any future changes to their definitions at the state level.

This text amendment will also modify the existing by-right and conditional use provisions that presently refer to *Short-term Loan Establishments* and change the language to AFI's.

At their April 15, 2014 meeting, the Planning Commission forwarded **TA-14-118** identified as "Draft 2 – 4/15/14" with a favorable recommendation because the amendment aligns our local Ordinance with revised language in the Code of Virginia.

ORDINANCE AMENDING AND REENACT ARTICLES 1, 6, 7, 8, 9, 10, 13, 15.1 OF THE WINCHESTER
ZONING ORDINANCE PERTAINING TO DEFINITIONS, PERMITTED USES, AND USES REQUIRING A
CONDITIONAL USE PERMIT FOR ALTERNATIVE FINANCIAL INSTITUTIONS

TA-14-118

WHEREAS, the City of Winchester is entrusted by the Commonwealth with protecting the public health, safety, and welfare within the community through the application of such tools as the Zoning Ordinance; and,

WHEREAS, the Zoning Ordinance is further designated with the responsibility of promoting the objectives of the Comprehensive Plan and overall sustainability of the community; and,

WHEREAS; Winchester Common Council previously identified an interest in establishing a conditional use requirement for uses that pertain to short-term loans and other high-rate lenders due to disproportionate negative impacts on low-income and elderly populations.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Winchester hereby amends and re-adopts the following Zoning Ordinance provisions:

AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 6, 7, 8, 9, 10, 13, 15.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS, PERMITTED USES, AND USES REQUIRING A CONDITIONAL USE PERMIT FOR ALTERNATIVE FINANCIAL INSTITUTIONS

TA-14-118

Draft 2 – 4/15/14

*Ed. Note: The following text represents excerpts of the Zoning Ordinance that are subject to change. Words with strikethrough are proposed for repeal. Words that are **boldfaced and underlined** are proposed for enactment. Existing ordinance language that is not included here is not implied to be repealed simply due to the fact that it is omitted from this excerpted text.*

- 1-2-7.1** **ALTERNATIVE FINANCIAL INSTITUTION: Any check cashing establishment, motor vehicle title lender, or payday lender, as defined in this Chapter.**
- 1-2-18.1** **CHECK CASHING ESTABLISHMENTS: Any person or establishment engaged in the business of cashing checks, drafts or money orders for compensation, and registered with the State Corporation Commission pursuant to Code of Virginia, § 6.2-2100 et. seq. This shall not include Incidental Check Cashing Services, as defined.**
- 1-2-18.2** **CHECK CASHING SERVICES, INCIDENTAL: Cashing of checks, drafts or money orders for compensation, other than “check cashing establishments.” This use shall be permitted by-right with a permitted use, provided that such use (i) is secondary and accessory to a permitted use, (ii) is located internal to the primary structure occupied by the permitted use(s), and (iii) is operated by the primary user.**
- 1-2-67.1** **MOTOR VEHICLE TITLE LENDER: Any establishment engaged in the business of lending money secured by a non-purchase interest in a motor vehicle, and registered with the State Corporation Commission pursuant Code of Virginia § 6.2-2200 et. seq.**
- 1-2-67.12** MUSEUM OR ART GALLERY: An organized and permanent nonprofit institution, open to the public, which is essentially educational or aesthetic in purpose, with professional staff, and which is devoted to the procurement, care, study, and display of objects of lasting interest or value. (05/12/98, TA-98-01, Ord. No. 013-98)
- 1-2-73.2** **PAYDAY LENDER: Any establishment, other than a bank, credit union, or savings and loan, engaged in the business of making short-maturity loans on the security of (i) a check, (ii) any form of assignment of an interest in the account of an individual at a depository institution, or (iii) any form of assignment of income payable to an individual, other than loans based on income tax refunds, and required to be registered with the State Corporation Commission pursuant to Code of Virginia § 6.2-1800 et seq.**

1-2-73.23 PET DAYCARE CENTER: An establishment that provides daily care, supervision, and grooming of up to fifty (50) animals at any one time; and, which does not provide for overnight accommodation of animals, as would otherwise be associated with a *kennel* or *animal shelter*. (8/12/08, Case TA-08-04, Ord. No. 2008-33)

~~1-2-86.2~~ ~~SHORT TERM LOAN ESTABLISHMENT: a business engaged in providing short-term loans of money of an original term of less than 31 days, with or without security given by the borrower or with or without a co-maker, guarantor, endorser or surety, to members of the general public as an element of its operation and which is not a bank or a savings and loan association. Short term loan establishments shall include businesses offering what is, or is marketed as, payday loans, signature loans, title (to vehicles, boats or other personal property, but not real estate) loans, cash advances, check-cashing loans, small loans and other similar loans; but, does not include pawnshops. (4/3/10, Case TA-10-21, Ord. No. 2010-06)~~

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

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

6-2-3 Banks and financial institutions, not including alternative financial institutions ~~short term loan establishment~~, as defined in Article 1. (11/18/86, Ord. No. 018-86; 4/13/10, Case TA-10-21, Ord. No. 2010-06)

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

SECTION 7-1. USE REGULATIONS.

7-1-7 Branch Banks and financial institutions, not including alternative financial institutions ~~short term loan establishment~~, as defined in Article 1. (4/3/10, Case TA-10-21, Ord. No. 2010-06)

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

SECTION 8-1. USE REGULATIONS.

8-1-9 Banks and financial institutions, not including alterntive financial institutions ~~short term loan establishment~~, as defined in Article 1. (4/3/10, Case TA-10-21, Ord. No. 2010-06)

SECTION 8-2. USES REQUIRING A CONDITIONAL USE PERMIT

- 8-2-22 ~~Alternative financial institutions Short-term loan establishment~~, provided that no such use is located within 500 feet of any other ~~short-term loan establishment~~ alternative financial institution or residentially-zoned property. (4/3/10, Case TA-10-21, Ord. No. 2010-06)

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

SECTION 9-1. USE REGULATIONS.

- 9-1-7 Banks and financial institutions, not including alternative financial institutions ~~short-term loan establishment~~, as defined in Article 1. (4/3/10, Case TA-10-21, Ord. No. 2010-06)
- 9-2-21 Alternative financial institutions ~~Short-term loan establishment~~, provided that no such use is located within 500 feet of any other ~~short-term loan establishment~~ alternative financial institutions or residentially-zoned property. (4/3/10, Case TA-10-21, Ord. No. 2010-06)

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

SECTION 10-1. USE REGULATIONS.

- 10-1-3 Banks and financial institutions, not including alternative financial institutions ~~short-term loan establishment~~, as defined in Article 1. (4/3/10, Case TA-10-21, Ord. No. 2010-06)

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

- 10-2-13 Alternative financial institutions ~~Short-term loan establishment~~, provided that no such use is located within 500 feet of any other ~~short-term loan establishment~~ alternative financial institution or residentially-zoned property. (4/3/10, Case TA-10-21, Ord. No. 2010-06)

**ARTICLE 13
PLANNED DEVELOPMENT**

SECTION 13-2. PLANNED COMMERCIAL DISTRICT – PC

- 13-2-3.2 Banks and financial institutions, not including alternative financial institutions ~~short-term loan establishment~~, as defined in Article 1. (4/3/10, Case TA-10-21, Ord. No. 2010-06)

ARTICLE 15.1
MEDICAL CENTER DISTRICT – MC

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

- 15.1-2-2 Personal service and retail establishments (including banks and branch banks; but not including alternative financial institutions ~~short-term loan establishments~~, as defined in Article 1) serving the District when located within freestanding structures not physically connected to the main hospital structure. (4/3/10, Case TA-10-21, Ord. No. 2010-06)

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 4/22/14 (Work Session), **CUT OFF DATE:** 4/16/14
5/13/14 (First Reading) 6/10/14 (Second Reading/Public Hearing)

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

ITEM TITLE:

TA-14-33 AN ORDINANCE TO AMEND ARTICLES 1 AND 13 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO THE DEFINITION OF MEDICAL CARE FACILITY AND PERMITTED USE IN THE PLANNED COMMERCIAL (PC) DISTRICT (Proposal establishes definition and establishes Medical Care Facilities as a by-right use in the Planned Commercial district.)

STAFF RECOMMENDATION:

Approval.

PUBLIC NOTICE AND HEARING:

Public hearing required at second reading on 6/10/14.

ADVISORY BOARD RECOMMENDATION:

Planning Commission unanimously recommended approval.

FUNDING DATA: N/A

INSURANCE: N/A

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

| <u>DEPARTMENT</u> | <u>INITIALS FOR APPROVAL</u> | <u>INITIALS FOR DISAPPROVAL</u> | <u>DATE</u> |
|--------------------------------|------------------------------|---------------------------------|----------------|
| 1. Planning | <u>[Signature]</u> | _____ | <u>4/14/14</u> |
| 2. Commissioner of the Revenue | <u>[Signature]</u> | _____ | <u>4/15/14</u> |
| 2. City Attorney | _____ | _____ | _____ |
| 3. City Manager | <u>[Signature]</u> | _____ | <u>4-16-14</u> |
| 4. Clerk of Council | <u>[Signature]</u> | _____ | <u>4-16-14</u> |

Initiating Department Director's Signature: [Signature] 4/14/2014
 (Zoning and Inspections)



CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Aaron Grisdale, Director of Zoning and Inspections
Date: April 22, 2014
Re: Zoning Text Amendment (TA-14-120) – Medical Care Facility

THE ISSUE:

The proposed Zoning Ordinance text amendment will modify the existing Zoning Ordinance language pertaining to *Medical Care Facilities* by creating a use as well as allowing the use as a permitted by-right use in the Planned Commercial (PC) district.

RELATIONSHIP TO STRATEGIC PLAN:

This text amendment correlates to the 2018 Goal #1 of "Grow the Economy" as well as Goal #4 of "Create a More Livable City For All" by providing additional opportunities for medical based businesses within the City of Winchester.

BACKGROUND:

This request is a privately sponsored text amendment pertaining to the definition and proposed use of *Medical Care Facility* within Articles 1 and 13 of the Zoning Ordinance.

The current Zoning Ordinance provisions for the Planned Commercial (PC) district allow for *Professional Offices*, which include doctor's offices and related accessory and incidental uses. However, moderately more involved medical uses including outpatient surgical centers were determined to not be a permitted use within the PC district. As a result the applicant desired to submit a privately sponsored zoning text amendment application to modify the Zoning Ordinance to define and allow for such uses within the PC district. Presently, the only areas that are zoned Planned Commercial are properties in the 400 and 600 blocks of Jubal Early Drive, west of Valley Avenue. (Full staff report attached).

BUDGET IMPACT:

No funding is required.

OPTIONS:

- Adopt the Zoning Ordinance Text Amendment
- Decline to adopt the Zoning Ordinance Text Amendment

RECOMMENDATIONS:

The Planning Commission recommended approved unanimously.

City Council Work Session
April 22, 2014

TA-14-120 AN ORDINANCE TO AMEND ARTICLES 1 AND 13 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO THE DEFINITION OF MEDICAL CARE FACILITY AND PERMITTED USE IN THE PLANNED COMMERCIAL (PC) DISTRICT

REQUEST DESCRIPTION

This request is a privately sponsored text amendment pertaining to the definition and proposed use of *Medical Care Facility* within Articles 1 and 13 of the Zoning Ordinance.

STAFF COMMENTS

The current Zoning Ordinance provisions for the Planned Commercial (PC) district allow for *Professional Offices*, which include doctor's offices and related accessory and incidental uses. However, moderately more involved medical uses including outpatient surgical centers were determined to not be a permitted use within the PC district. As a result the applicant desired to submit a privately sponsored zoning text amendment application to modify the Zoning Ordinance to define and allow for such uses within the PC district. Presently, the only areas that are zoned Planned Commercial are properties in the 400 and 600 blocks of Jubal Early Drive, west of Valley Avenue.

The applicant submitted a matrix detailing how several other localities in Virginia define and treat comparable medical care uses. Many other jurisdictions have an intermediate definition that falls between professional offices/medical offices and hospital uses, which staff believes is the general area that the applicant is proposing to define and allow for use in the instant case. Presently, outpatient surgical uses are permitted by-right within the Health Services (HS) and Medical Center (MC) districts, but are not permitted in other commercial districts where *Professional Offices* are permitted (such as PC, B-2, B-1, and CM-1 districts). The proposed definition of *Medical Care Facility* provided by the applicant, closely mirrors similar definitions for Loudoun County, Fairfax County, and the City of Alexandria.

This type of medical care use is not intended to be utilized for emergency care, but rather for scheduled outpatient procedures. Ambulances would not be regularly visiting the facility, but only on an as needed basis if there is an emergency during one of the procedures.

The Director of Zoning and Inspections and the Planning Director have reviewed the application and believe that the proposal presents good planning practice and could be considered a potential by-right use within the PC district. The Zoning Ordinance would be positively served by adding the proposed definition and use provisions by providing for clearer definitions pertaining to medical uses.

RECOMMENDATION

At their April 15, 2014 meeting, the Planning Commission unanimously forwarded **TA-14-120** with a favorable recommendation because the amendment, as proposed, presents good planning practice by providing for clearer standards for potential medical uses, as well as providing for expanded opportunities for medical services within the City.



LITTLEJOHN ENGINEERING ASSOCIATES

February 28, 2014

Mr. Aaron Grisdale, Director of Zoning & Inspections
City of Winchester, Planning & Zoning Department
Rouss City Hall
15 North Cameron Street, Suite 318
Winchester, VA 22601

RE: Text Amendment Request

Dear Mr. Grisdale,

Please consider the attached package as a formal submittal for a Zoning Ordinance Text Amendment. From a recent zoning determination request, it is our understanding that the current zoning ordinance does not allow for outpatient surgical hospitals or ambulatory surgery centers within the Planned Commercial (PC) District.

Winchester and the immediate surrounding community have long been served by Valley Health (VH), and more specifically Winchester Medical Center (WMC). The overwhelming issue that has impacted physicians and patients alike is that the community has no alternative for medical care. Like any other business or industry, choice to consumers (or patients and physicians), or competition can and should drive a market to offer the highest quality product or service, at the lowest possible cost.

Previously, VH and WMC operated an ambulatory surgery center (WASC), which physicians utilized for appropriate outpatient surgical procedures. Even though WASC was still owned and run by VH, by running as an ASC, it offered lower cost to its patients. Furthermore, ASC's generally run more efficiently than hospitals by specializing in these certain procedures; all while still offering the same high quality outcomes. In 2013, VH and WMC elected to convert WASC to a department of the hospital, effectively wiping out choice to patients and physicians, and raising costs and inefficiencies to all those concerned.

The proposed Winchester Surgery Center addresses the needs of the community with a highly efficient, lower-cost alternative that will serve both patients and the medical community.

These market conditions and other data indicate there is a need for outpatient surgical hospitals or ambulatory surgery centers in Winchester, VA. However as previously stated, under the current zoning ordinance, in a PC zone, the use of property for outpatient surgical hospitals or ambulatory surgery centers is not addressed. The amendment will allow the operation of such businesses in the City of Winchester

Please review and let me know if you need any additional information.

Sincerely,

LITTLEJOHN ENGINEERING ASSOCIATES

Jack Parker, PE

1935 21ST AVENUE SOUTH, NASHVILLE, TENNESSEE 37212
T 615.385.4144 F 615.385.4020

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Economic Development

| | Medical Office | Outpatient | Hospital |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| City of Winchester | PROFESSIONAL OFFICE: The office, studio, or professional room of a doctor, architect, artist, musician, lawyer, or similar professional person, except in any funeral home, or any establishment where goods are offered for sale. | N/A | HOSPITAL, GENERAL: An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged, and sanatoriums, but in all cases excluding institutions primarily for mental or feebleminded patients, epileptics, alcoholics, or drug addicts. (Certain nursing homes and homes for the aged may be "home occupation" if they comply with the definitions herein.) |
| Loudoun County | Office, Medical: Any room, studio, clinic, suite or building wherein individuals licensed in the State practice medicine, osteopathy, dentistry, chiropractic, podiatry, physical therapy, psychiatry, clinical psychology, or other health-related professions on an out-patient basis. A medical office shall not be deemed to include a hospital, veterinary service or animal hospital. | Medical Care Facility, Outpatient Only: Any institution, place, building, or agency, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more non-related mentally or physically sick or injured persons; or for the care of two or more nonrelated persons requiring or receiving medical, surgical or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled, including but not limited to intermediate care facility, mental retardation facility, outpatient surgery centers, chiropractic, birthing, diagnostic imaging, radiation therapy, dialysis, medical/physical rehabilitation and trauma units, and other related institutions and facilities offering treatment on an outpatient basis, whether operated for profit or nonprofit and whether privately owned or operated by a local government unit (this term shall not include a physician's or medical office). | Hospital: Any licensed and Commonwealth of Virginia accredited health care institution with an organized medical and professional staff and with inpatient beds available around-the-clock whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services, particularly emergency care. |
| Fairfax County | OFFICE: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturer's representatives; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, certified massage therapists in accordance with Chapter 28.1 of The Code, dentists or physicians, urban planners and landscape architects. | MEDICAL CARE FACILITY: Any institution, place, building, or agency, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two (2) or more non-related mentally or physically sick or injured persons, or for the care of two (2) or more non-related persons requiring or receiving medical, surgical or nursing attention or service as acute, chronic, convalescent, aged, physically disabled, or crippled, including but not limited to general hospitals, sanatorium, sanitarium, assisted living facility, nursing home, intermediate care facility, extended care facility, mental hospital, intellectual disability care facility, medical schools and other related institutions and facilities, whether operated for profit or nonprofit, and whether privately owned or operated by a local government unit. This term shall not include a physician's office, first aid station for emergency medical or surgical treatment, medical laboratory, CONGREGATE LIVING FACILITY, GROUP RESIDENTIAL FACILITY, or INDEPENDENT LIVING FACILITY. | HOSPITAL: Any institution receiving in-patients and rendering medical, surgical or obstetrical care, to include general hospitals and specialized institutions in which care is oriented to cardiac, eye, ear, nose, throat, pediatric, orthopedic, skin and cancer and obstetric cases. |

| | | | |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Chesterfield County | No definition, but some office uses referred to as "offices: dental, general, medical, property management, temporary real estate." Other uses also listed include medical or dental laboratories as an accessory use and "hospitals and other medical facilities." | Clinic: An establishment where patients who are not lodged overnight are admitted for examination or treatment by physicians, dentists or veterinarians. | Hospital: An institution providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities such as laboratories, out-patient facilities or training facilities. |
| Hanover County | No definition, but permitted uses include "Medical office" and "Offices, business, governmental, medical, or professional" | Clinic: An establishment where human patients who are not lodged overnight are admitted for examination or treatment by physicians or dentists. | Hospital: A building or group of buildings, having room facilities for overnight patients, used for providing services for the in-patient medical or surgical care of sick or injured humans, and which may include related facilities, central service facilities, and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operation. |
| City of Manassas | Professional office means any office for the practice of a profession, including, but not limited to, architecture, engineering, law, medicine, psychology, theology, real estate and accounting. | N/A | Hospital means an institution, licensed by the State of Virginia, that renders two or more of the following services: medical and surgical services with associated bed space, obstetrical or convalescent care, or urgent care services, including facilities such as, nursing homes, convalescent, rehabilitation and sanitariums. |
| City of Alexandria | Medical Office: The use of space by individuals licensed in the Commonwealth of Virginia to practice medicine, osteopathy, dentistry, chiropractic, podiatry, psychiatry, clinical psychology or other health-related professions on an outpatient basis. The professional services provided in the medical office space is for the occupant's own patients and not for patients of unrelated outside practitioners. | Medical Care Facility. Any installation, place, building, or agency, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more non-related mentally or physically sick or injured persons, or for the care of two or more non-related persons requiring or receiving medical, surgical or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled, including but not limited to intermediate care facility, extended care facility, mental hospital, mental retardation facility, medical school, outpatient surgery centers, birthing, diagnostic imaging, radiation therapy, dialysis, medical/physical rehabilitation and trauma units, substance abuse outpatient or day programs, and other related institutions and facilities, whether operated for profit or nonprofit, and whether privately owned or operated by a local government unit. This term shall not include a physician's or medical office, first aid station for emergency medical treatment, housing for the elderly, medical laboratory, hospital, nursing home or a facility which has as its primary purpose residential accommodation. Nothing in this definition is intended to interfere with or restrict the use of a dwelling unit by a family as that term is defined in this article, wherever such use is allowed in the zones. | Hospital: A health care institution with an organized medical and professional staff and with inpatient beds available on a 24 hour basis, which has as its primary function to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions, and which usually provides some outpatient services, particularly emergency care. |

AN ORDINANCE TO AMEND ARTICLES 1 AND 13 OF THE WINCHESTER ZONING ORDINANCE
PERTAINING TO THE DEFINITION OF MEDICAL CARE FACILITY AND PERMITTED USE IN THE
PLANNED COMMERCIAL (PC) DISTRICT

TA-14-120

Draft 2 – 3/28/14

Ed. Note: The following text represents excerpts of the Zoning Ordinance that are subject to change. Words with strikethrough are proposed for repeal. Words that are boldfaced and underlined are proposed for enactment. Existing ordinance language that is not included here is not implied to be repealed simply due to the fact that it is omitted from this excerpted text.

ARTICLE 1

DEFINITIONS

SECTION 1-2 DEFINITIONS

1-2-7.2 **Medical Care Facility: A structure or building or portion thereof used to provide facilities and services, on an outpatient basis (fewer than 24 hours), for the treatment, prevention and diagnosis of human disease, pain, injury, deformity or physical condition, whether medical or surgical, including but not limited to outpatient surgery centers, chiropractic, birthing, diagnostic imaging, radiation therapy, dialysis, medical/physical rehabilitation and trauma units, and other related institutions and facilities.**

ARTICLE 13

PLANNED DEVELOPMENT

SECTION 13-2. PLANNED COMMERCIAL DISTRICT – PC

13-2-3.17 **Medical Care Facility**

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: 04/22/2014 CUT OFF DATE: ____

RESOLUTION ___ ORDINANCE X PUBLIC HEARING ___

ITEM TITLE: Ordinances to Increase Motor Vehicle License Fee and Excise Tax Rates for Meals, Transient Lodging and Cigarette Tax Stamps

STAFF RECOMMENDATION: Approve

PUBLIC NOTICE AND HEARING:

ADVISORY BOARD RECOMMENDATION:

FUNDING DATA:

INSURANCE:

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

| <u>DEPARTMENT</u> | <u>INITIALS FOR APPROVAL</u> | <u>INITIALS FOR DISAPPROVAL</u> | <u>DATE</u> |
|-------------------------------------------------------------------|------------------------------|---------------------------------|-------------------------|
| 1. Finance | <u>B</u> | _____ | <u>4-16-14</u> |
| 2. Treasurer | _____ | _____ | _____ |
| 3. _____ | _____ | _____ | _____ |
| 4. City Attorney | <u>AW</u> | _____ | <u>4/24/14</u> |
| 5. City Manager | <u>DI</u> | _____ | <u>4-17-14</u> |
| 6. Clerk of Council | <u>DI</u> | _____ | <u>4-17-14</u> |
| Initiating Department Director's Signature: <u>Chen T. Beeman</u> | | | <u>04/16/14</u> Date |



APPROVED AS TO FORM:

 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Ann T. Burkholder, Commissioner of the Revenue *ATB*
Date: 04/16/2014
Re: Ordinances to Increase Motor Vehicle License Fee and Excise Tax Rates for Meals, Transient Lodging and Cigarettes

THE ISSUE: In order to fund the proposed fiscal 2015 budget, the City will need additional revenue.

RELATIONSHIP TO STRATEGIC PLAN: The additional revenue will fund City services in furtherance of the each of the goals identified in the Strategic Plan.

BACKGROUND: Throughout the budget process City staff prepared several options for Council review. Councilors expressed a preference for smaller increases in several tax rates rather than an increase in the real estate tax rate. Increases included in the following ordinances are:

| Type | Current Rate/Fee | Proposed Rate/Fee |
|------------------------------------|------------------|-------------------|
| Motor Vehicle License Fee | \$24.00 | \$25.00 |
| Meals Tax Rate | 5.00% | 6.00% |
| Motel (Transient Lodging) Tax Rate | 5.00% | 6.00% |
| Cigarette Tax per pack | \$0.25 | \$0.35 |

BUDGET IMPACT: Refer to budget planning documents.

OPTIONS: While City Council has the option to approve, alter or deny any of these requests, each has budget implications.

RECOMMENDATION: The City Manager recommends that City Council approve each ordinance.

AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 14-17 AND 14-18 OF THE CODE OF THE CITY OF WINCHESTER REGARDING VEHICLE LICENSE FEES

WHEREAS; City Staff and the Common Council have studied several budget options to best meet the needs and goals of the citizens of Winchester; and

WHEREAS; the Common Council is committed to the mission, goals and projects specified in the City's Strategic Plan; and

WHEREAS; the preferred budget plan necessitates certain tax increases.

NOW THEREFORE BE IT RESOLVED, that Section 14-17 and 14-18 are hereby amended and re-adopted as follows:

SECTION 14-17. MOTOR VEHICLE LICENSES.

(a) Definitions.

For the purposes of this section, the following terms shall have the following meanings:

Situs a vehicle, as described herein, shall have situs in the City of Winchester if it is normally garaged, stored or parked within the City. If it cannot be determined where the vehicle is normally garaged, stored or parked, the situs shall be the domicile of its owner. In the event the owner of the vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that he has paid a personal property tax on the vehicle in his domicile.

Vehicle any motor vehicle, as defined by Virginia Code §46.2-100, as such section may be amended from time to time.

(b) The application for the license and for each annual renewal shall be made to the Commissioner by mail or in person, on forms provided by the Commissioner, and shall contain the same information as that appearing on the state automobile registration card.

(c) The license fee on vehicles shall be as follows:

1. Motor vehicles, including automobiles, less than 10,000 pounds: For Personal Property Tax Years prior to and including 2013: \$24.00; for Personal Property Tax Years commencing with 2014: \$25.00.
2. Motor vehicles 10,000 pounds or more: \$36.00
3. Two or three wheel motor vehicles: \$12.00
4. Motor homes. Greater than 10,000 pounds; and buses used exclusively for transportation to and from religious school or church or other place of worship, for the purpose of divine worship, greater than 10,000 pounds: \$30.00

5. Antique motor vehicles registered, licensed, and used as such pursuant to Section 46.2-730 of the Code of Virginia, 1950, as amended: \$10.00

(d) Any license not purchased by the dates specified herein shall be increased by \$5.00 (enabling increase amount)

(e) Every vehicle displaying valid dealers' number plates shall be exempt from this license fee.

(f) Any person who fails to comply with this section shall be guilty of a Class 4 misdemeanor and each day's failure to do so shall be a separate offense.

(g) Violation of this ordinance may, at the discretion of the officer, be processed in the same manner as provided in Sections 14-54, 14-55, and 14-56 of this Code, but such violation may not be, regardless of how they are initiated or processed, discharged by payment of a fine, alone, except upon presentation of satisfactory evidence that the required license has been obtained. When processed as provided in said Section 14-54, 14-55, and 14-56, the prepayment amount for such violations shall be Twenty-Five Dollars (\$25.00).

(Ord. No. 044-88, 11-15-88; Ord. No. 022-92, 11-10-92; Ord. No. 041-93, 11-09-93; Ord. No. 003-96, 04-09-96; Ord. No. 024-2000, 11-16-00; Ord. No. 013-2001, 04-10-2001; Ord. No. 2007-24, 07-10-07; Ord. No. 2011-21, 10-11-11)

State Law References--Code of Virginia, §§46.2-694, 46.2-752, 46.2-755.

SECTION 14-18. PRORATION OF VEHICLE LICENSE. REPEALED.

~~If the owner of a motor vehicle subject to licensure under section 14-17 disposes of the vehicle during the twelve month period of a city license or tag issued for the vehicle, he may present proof of such disposition of such vehicle to the Commissioner. Upon the request of the owner, and upon presentation of such proof, the Commissioner shall credit to the person the remaining time of the life of the license on a monthly prorated basis against the license fee for any new city license or tag applied for by such owner at the time he presents proof of disposition of a prior licensed vehicle. (Ord. No. 044-88, 11-15-88; Ord. No. 022-92, 11-10-92; Ord. No. 003-96, 04-09-96; Ord. No. 2007-24, 07-10-07; Ord. No. 2011-21, 10-11-11)~~

AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-72 OF THE CODE OF THE CITY OF WINCHESTER REGARDING MEALS TAX LEVY AND RATE

WHEREAS; City Staff and the Common Council have studied several budget options to best meet the needs and goals of the citizens of Winchester; and

WHEREAS; the Common Council is committed to the mission, goals and projects specified in the City's Strategic Plan; and

WHEREAS; the preferred budget plan necessitates certain tax increases.

NOW THEREFORE BE IT RESOLVED, that Section 27-72 is hereby amended and re-adopted as follows:

SECTION 27-72. LEVY AND RATE.

In addition to all other taxes and fees of any kind now or hereafter imposed by law, there is hereby levied and imposed on the purchaser of every meal served, sold, or delivered in the City by a food establishment or a caterer a tax equivalent to ~~five percent (5%)~~ six percent (6%) of the amount paid for the meal, whether consumed on the premises or not, ~~with. There shall be no tax if the total amount paid is less than fifty cents (\$0.50); on larger amounts, the tax shall be computed at a straight~~ five percent (5%); one-half cent (\$0.005) or more being treated as one cent (\$0.01).

The effective date of this change shall be July 1, 2014.

AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-91 OF THE CODE OF THE CITY OF WINCHESTER REGARDING TRANSIENT LODGING TAX LEVY AND RATE

WHEREAS; City Staff and the Common Council have studied several budget options to best meet the needs and goals of the citizens of Winchester; and

WHEREAS; the Common Council is committed to the mission, goals and projects specified in the City's Strategic Plan; and

WHEREAS; the preferred budget plan necessitates certain tax increases.

NOW THEREFORE BE IT RESOLVED, that Section 27-91 is hereby amended and re-adopted as follows:

SECTION 27-91. LEVY AND RATE.

In addition to all other taxes of every kind now or hereafter imposed by law, there is hereby imposed and levied on each and every transient a tax equivalent to ~~five percent (5%)~~ six percent (6%) of the total amount paid for room rental by or for such transient to any motel, with one-half cent (\$0.005) or more of tax being treated as one cent (\$0.01).

(Ord. No. 019-83, 6-14-83; Ord. No. 044-88, 11-15-88; Ord. No. 014-91, 4-23-91; Ord. No. 017-92, 11-10-92; Ord. No. 014-2004, 4-28-04)

(Note: The effective date of this ordinance shall be July 1, ~~2004~~2014.)

State Law Reference--Code of Virginia, §58.1-3840.

AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-171 OF THE CODE OF THE CITY OF WINCHESTER REGARDING LEVY OF CIGARETTE TAXES

WHEREAS; City Staff and the Common Council have studied several budget options to best meet the needs and goals of the citizens of Winchester; and

WHEREAS; the Common Council is committed to the mission, goals and projects specified in the City's Strategic Plan; and

WHEREAS; the preferred budget plan necessitates certain tax increases.

NOW THEREFORE BE IT RESOLVED, that Section 27-171 is hereby amended and re-adopted as follows:

SECTION 27-171. LEVIED; AMOUNT; TAX ADDITIONAL TO OTHER TAXES.

- (a) In addition to all other taxes of every kind now or hereafter imposed by law, there is hereby levied and imposed by the City upon every person who sells or uses cigarettes within the City, from and after the effective date of the ordinance from which this section is derived, an excise tax equivalent to ~~twenty-five cents (\$0.25)~~ thirty-five cents (\$0.35) per each package containing twenty five (25) or fewer cigarettes. The tax shall be paid and collected in the manner and at the time hereinafter prescribed; provided, that the tax payable for each cigarette or cigarette package sold or used within the City shall be paid but once. The tax hereby levied shall not apply to free distribution of sample cigarettes in packages containing five (5) or fewer cigarettes.
- (b) The tax levied and imposed by this article shall be in addition to all other taxes of every kind levied and imposed by any other ordinance or law.
- (Ord. No. 035-91, 9-10-91; Ord. No. 017-92, 11-10-92; Ord. No. 2010-17, 4-13-10)

B-2014-15

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: 05/13/2014 **CUT OFF DATE:** _____

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

ITEM TITLE: Refund Melco, Inc. for Erroneously Assessed Real Estate Taxes

STAFF RECOMMENDATION: Approve

PUBLIC NOTICE AND HEARING:

ADVISORY BOARD RECOMMENDATION:

FUNDING DATA:

INSURANCE:

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

| <u>DEPARTMENT</u> | <u>INITIALS FOR APPROVAL</u> | <u>INITIALS FOR DISAPPROVAL</u> | <u>DATE</u> |
|---------------------------------------------|------------------------------|---------------------------------|-------------------------|
| 1. <u>Finance</u> | <u>[Signature]</u> | _____ | <u>3-26-14</u> |
| 2. <u>Treasurer</u> | <u>[Signature]</u> | _____ | <u>3/25/14</u> |
| 3. _____ | _____ | _____ | _____ |
| 4. _____ | _____ | _____ | _____ |
| 5. <u>City Attorney</u> | <u>[Signature]</u> | _____ | <u>4/2/2014</u> |
| 6. <u>City Manager</u> | <u>[Signature]</u> | _____ | <u>4-3-14</u> |
| 7. <u>Clerk of Council</u> | <u>[Signature]</u> | _____ | <u>4-3-14</u> |
| Initiating Department Director's Signature: | <u>[Signature]</u> | _____ | <u>03/20/14</u> Date |



APPROVED AS TO FORM:
[Signature] 4/2/2014
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Ann T. Burkholder, Commissioner of the Revenue *ATB*
Date: 03/24/2014
Re: Refund for Erroneously Assessed Real Estate Taxes

THE ISSUE: A property owner submitted a request for assessment equalization and tax refund for tax years 2010 through 2013, pursuant to Code of Virginia §58.1-3350.

RELATIONSHIP TO STRATEGIC PLAN: This is a matter of fair and equitable taxation in accordance with state and local code.

BACKGROUND: The City's assessment contractor determined that the assessment records contained a factual error for the years in question. The Real Estate Administrator subsequently requested that the Commissioner of the Revenue update the assessment records for the years in question and initiate the subsequent refund. Code of the City of Winchester §27-8, in accordance with Code of Virginia §58.1-3981 requires City Council approval of any refunds in excess of \$2,500.00.

BUDGET IMPACT: See attached certification.

OPTIONS: Council has the option to approve or deny this request. When appropriate, the office of the Commissioner of the Revenue offers the option of either a credit on the account towards future taxes or a refund.

RECOMMENDATION: Pursuant to Code of the City of Winchester §27-8, the Commissioner of the Revenue respectfully requests that the City Council, with the consent of the City Attorney, authorize the Treasurer to issue the refund in the amount certified by the Commissioner of the Revenue.



Ann T. Burkholder, Commissioner of the Revenue
15 North Cameron Street
Winchester, VA 22601
Email: commrevenue@winchesterva.gov

Telephone: (540) 667-1815
FAX: (540) 667-8937
TDD: (540) 722-0782
Website: www.winchesterva.gov

Certificate of the Commissioner of the Revenue

Pursuant to Code of Virginia §58.1-3980, Melco, Inc. filed an appeal for administrative review of real estate tax assessment for property owned at 611, 621 and 631 West Jubal Early Drive for tax years 2010 through 2013.

Pursuant to Code of the City of Winchester §27-8 and §58.1-3981 of the Code of Virginia, I certify that Melco, Inc. is to receive a refund of \$70,691.37 for overpaid real estate taxes. The preparation of this certificate is based solely upon the written request of the Real Estate Administrator and makes no assertion by the undersigned regarding the accuracy or correctness of the actual request for correction.

Certified by Commissioner of the Revenue: 

Ann T. Burkholder

Date: 03/25/2014

Consent by City Attorney:



Anthony C. Williams

Date: 4/2/2014

RESOLUTION

WHEREAS, Melco, Inc. filed an appeal of real estate assessment for property owned at 611, 621 and 631 West Jubal Early Drive for tax years 2010, 2011, 2012 and 2013; and

WHEREAS, the Real Estate Administrator requested that the Commissioner of the Revenue enter the assessment changes recommended by the assessment contractor; and

WHEREAS, the office of the Commissioner of the Revenue wishes to maintain accurate and equitable tax records according to the determination of the assessment contractor.

NOW therefore be it RESOLVED, that Common Council hereby approves the refund of \$70,691.37 to Melco, Inc. for overpayment of real estate taxes and directs the City Treasurer to refund said amounts together with any penalties and interest paid thereon.



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 723-0238
TDD: (540) 722-0782
Website: www.winchesterva.gov

March 24, 2014

Ann T. Burkholder
Commissioner of the Revenue
City of Winchester
15 N. Cameron Street
Winchester, Virginia 22601

Re: Request to Issue Refund and Real Estate Tax Assessment Corrections for Melco, Inc.

Dear Ann,

On December 11, 2013, pursuant to Virginia Code §58.1-3980-3981, Melco, Inc. requested an administrative review of 611, 621 & 631 W. Jubal Early Drive; Tax Map No. 230-04-2, Record No. 9000, Accounts: 8705, 17679 and 24109 for tax years 2010 through 2013. The City's assessing official, Pearson Appraisal Services, has reviewed the properties listed above and has determined that a factual error, as defined by the Virginia Department of Taxation, was made in the assessment and the properties are erroneously assessed for tax years 2010 through 2013. In addition, since the City conducts biennial reassessments and the current assessment was effective on January 1, 2013 for tax years 2013 and 2014, Pearson Appraisal Services has also corrected the 2014 assessment.

Please make the corrections as outlined in the attached and prepare a certification to City Council to issue Melco, Inc. a refund of \$70,691.37.

Sincerely,

Celeste R. Broadstreet
Real Estate Administrator

Encls.

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

Melco Inc
Record 9000
Tax Year 2014

611 W Jubal Early Drive

2014

| Structural Element | | Current | | Revised | | Structural Element | |
|--------------------|-------|---------|------------------|--------------------|------|--------------------|------------------|
| A- B01 | 10742 | 135 | 1,450,170 | A- C01 | 2646 | 85 | 224,910 |
| Depreciation | | 2% | (29,003) | Depreciation | | 2% | (4,498) |
| B- POR | 982 | 15 | 14,730 | B-B01 | 1974 | 135 | 266,490 |
| Depreciation | | 2% | (295) | Depreciation | | 2% | (5,330) |
| Total Improvements | | | 1,435,602 | C-C01 | 2099 | 85 | 178,415 |
| Other Improvements | | | 30,000 | Depreciation | | 2% | (3,568) |
| Land | | | <u>3,055,900</u> | D-C01 | 3489 | 85 | 296,565 |
| Total Value | | | <u>4,521,500</u> | Depreciation | | 2% | (5,931) |
| | | | | E-POR | 982 | 15 | 14,730 |
| | | | | Depreciation | | 2% | (295) |
| | | | | F- UTIL | 534 | 25 | 13,350 |
| | | | | Depreciation | | 2% | (267) |
| | | | | Total Improvements | | | 974,571 |
| | | | | Other Improvements | | | 30,000 |
| | | | | Land | | | <u>3,055,900</u> |
| | | | | Total Value | | | <u>4,060,500</u> |

631 W Jubal Early Drive

2014

| Structural Element | | Current | | Revised | | Structural Element | |
|--------------------|-------|---------|------------------|--------------------|-------|--------------------|----------------|
| A- B01 | 10000 | 135 | 1,350,000 | A- C01 | 10000 | 85 | 850,000 |
| Depreciation | | 2% | (27,000) | Depreciation | | 2% | (17,000) |
| B- POR | 176 | 15 | 2,640 | B- POR | 176 | 15 | 2,640 |
| Depreciation | | 2% | (53) | Depreciation | | 2% | (53) |
| Total Improvements | | | 1,325,587 | Total Improvements | | | 835,587 |
| Other Improvements | | | <u>20,000</u> | Other Improvements | | | <u>20,000</u> |
| Total Value | | | <u>1,345,600</u> | Total Value | | | <u>855,600</u> |

Melco Inc
 Record 9000
 Tax Year 2014

621 W Jubal Early Drive

2014

| Structural Element | | Current | | Revised | | Structural Element | |
|--------------------|-------|---------|-----------|--------------------|------|--------------------|-----------|
| A- B01 | 13164 | 135 | 1,777,140 | A- C01 | 2061 | 85 | 175,185 |
| Depreciation | | 2% | (35,543) | Depreciation | | 2% | (3,504) |
| B- POR | 1300 | 15 | 19,500 | B-C01 | 4019 | 85 | 341,615 |
| Depreciation | | 2% | (390) | Depreciation | | 2% | (6,832) |
| Total Improvements | | | 1,760,707 | C-B01 | 3143 | 135 | 424,305 |
| Other Improvements | | | - | Depreciation | | 2% | (8,486) |
| Total Value | | | 1,760,700 | D-B01 | 3407 | 135 | 459,945 |
| | | | | Depreciation | | 2% | (9,199) |
| | | | | E- POR | 1300 | 15 | 19,500 |
| | | | | Depreciation | | 2% | (390) |
| | | | | F- UTIL | 534 | 25 | 13,350 |
| | | | | Depreciation | | 2% | (267) |
| | | | | Total Improvements | | | 1,405,222 |
| | | | | Other Improvements | | | - |
| | | | | Total Value | | | 1,405,200 |

| | | | |
|-----------|-----------|-----------|-----------|
| Original | | Revised | |
| Total All | 7,627,800 | Total All | 6,321,300 |

John W Pearson
 3/12/2014

Melco Inc
Record 9000
Tax Year 2013

611 W Jubal Early Drive

2013

| Structural Element | | Current | | Revised | | Structural Element | |
|--------------------|-------|---------|------------------|--------------------|------|--------------------|------------------|
| A- B01 | 10742 | 135 | 1,450,170 | A- C01 | 2646 | 85 | 224,910 |
| Depreciation | | 2% | (29,003) | Depreciation | | 2% | (4,498) |
| B- POR | 982 | 15 | 14,730 | B-B01 | 1974 | 135 | 266,490 |
| Depreciation | | 2% | (295) | Depreciation | | 2% | (5,330) |
| Total Improvements | | | 1,435,602 | C-C01 | 2099 | 85 | 178,415 |
| Other Improvements | | | 30,000 | Depreciation | | 2% | (3,568) |
| Land | | | <u>3,055,900</u> | D-C01 | 3489 | 85 | 296,565 |
| Total Value | | | <u>4,521,500</u> | Depreciation | | 2% | (5,931) |
| | | | | E-POR | 982 | 15 | 14,730 |
| | | | | Depreciation | | 2% | (295) |
| | | | | F- UTIL | 534 | 25 | 13,350 |
| | | | | Depreciation | | 2% | (267) |
| | | | | Total Improvements | | | 974,571 |
| | | | | Other Improvements | | | 30,000 |
| | | | | Land | | | <u>3,055,900</u> |
| | | | | Total Value | | | <u>4,060,500</u> |

631 W Jubal Early Drive

2013

| Structural Element | | Current | | Revised | | Structural Element | |
|--------------------|-------|---------|------------------|--------------------|-------|--------------------|----------------|
| A- B01 | 10000 | 135 | 1,350,000 | A- C01 | 10000 | 85 | 850,000 |
| Depreciation | | 2% | (27,000) | Depreciation | | 2% | (17,000) |
| B- POR | 176 | 15 | 2,640 | B- POR | 176 | 15 | 2,640 |
| Depreciation | | 2% | (53) | Depreciation | | 2% | (53) |
| Total Improvements | | | 1,325,587 | Total Improvements | | | 835,587 |
| Other Improvements | | | <u>20,000</u> | Other Improvements | | | <u>20,000</u> |
| Total Value | | | <u>1,345,600</u> | Total Value | | | <u>855,600</u> |

Melco Inc
 Record 9000
 Tax Year 2013

621 W Jubal Early Drive

2013

| | | Current | | Revised | | |
|--------------------|-------|---------|-----------|--------------------|------|-------------|
| Structural Element | | | | Structural Element | | |
| A- B01 | 13164 | 135 | 1,777,140 | A- C01 | 2061 | 85 175,185 |
| Depreciation | | 2% | (35,543) | Depreciation | | 2% (3,504) |
| B- POR | 1300 | 15 | 19,500 | B-C01 | 4019 | 85 341,615 |
| Depreciation | | 2% | (390) | Depreciation | | 2% (6,832) |
| Total Improvements | | | 1,760,707 | C-B01 | 3143 | 135 424,305 |
| Other Improvements | | | - | Depreciation | | 2% (8,486) |
| Total Value | | | 1,760,700 | D-B01 | 3407 | 135 459,945 |
| | | | | Depreciation | | 2% (9,199) |
| | | | | E- POR | 1300 | 15 19,500 |
| | | | | Depreciation | | 2% (390) |
| | | | | F- UTIL | 534 | 25 13,350 |
| | | | | Depreciation | | 2% (267) |
| | | | | Total Improvements | | 1,405,222 |
| | | | | Other Improvements | | - |
| | | | | Total Value | | 1,405,200 |

| Original | Revised |
|-----------|-----------|
| Total All | Total All |
| 7,627,800 | 6,321,300 |

| 2013 Refund Due: | | | | |
|---------------------|--------------------|-----------|----------|-----------|
| Original Assessment | Revised Assessment | Diff | Tax Rate | Refund |
| 7,627,800 | 6,321,300 | 1,306,500 | .95/100 | 12,411.75 |

Andrew Pearson
 3/12/2014

Melco Inc
Record 9000
Tax Years 2012 - 2010

611 W Jubal Early Drive

| Structural Element | | Original | | Revised | | Structural Element | |
|--------------------|-------|----------|------------------|--------------------|------|--------------------|------------------|
| A- B01 | 10220 | 165 | 1,686,300 | A- C01 | 2646 | 85 | 224,910 |
| Depreciation | | 2% | (33,726) | Depreciation | | 2% | (4,498) |
| B-B01 | 20 | 165 | 3,300 | B-B01 | 1974 | 135 | 266,490 |
| Depreciation | | 2% | (66) | Depreciation | | 2% | (5,330) |
| C-POR | 203.5 | 15 | 3,053 | C-C01 | 2099 | 85 | 178,415 |
| Depreciation | | 2% | (61) | Depreciation | | 2% | (3,568) |
| D-B01 | 501.5 | 165 | 82,748 | D-C01 | 3489 | 85 | 296,565 |
| Depreciation | | 2% | (1,655) | Depreciation | | 2% | (5,931) |
| F-POR | 336 | 15 | 5,040 | E-POR | 982 | 15 | 14,730 |
| Depreciation | | 2% | (101) | Depreciation | | 2% | (295) |
| G- POR | 66.5 | 15 | 998 | F- UTIL | 534 | 25 | 13,350 |
| Depreciation | | 2% | (20) | Depreciation | | 2% | (267) |
| H- POR | 168 | 15 | 2,520 | | | | |
| Depreciation | | 2% | (50) | | | | |
| | | | | Total Improvements | | | 974,571 |
| | | | | Other Improvements | | | 30,000 |
| Total Improvements | | | 1,748,278 | Land | | | <u>3,055,900</u> |
| Other Improvements | | | 30,000 | Total Value | | | 4,060,500 |
| Land | | | <u>3,055,900</u> | | | | |
| Total Value | | | 4,834,200 | | | | |

631 W Jubal Early Drive

| Structural Element | | Original | | Revised | | Structural Element | |
|--------------------|------|----------|------------------|--------------------|-------|--------------------|---------------|
| A- B01 | 4964 | 165 | 819,060 | A- C01 | 10000 | 85 | 850,000 |
| Depreciation | | 2% | (16,381) | Depreciation | | 2% | (17,000) |
| B- B01 | 4964 | 165 | 819,060 | B- POR | 176 | 15 | 2,640 |
| Depreciation | | 2% | (16,381) | Depreciation | | 2% | (53) |
| C- POR | 196 | 15 | 2,940 | | | | |
| Depreciation | | 2% | (59) | | | | |
| | | | | Total Improvements | | | 835,587 |
| Total Improvements | | | 1,608,239 | Other Improvements | | | <u>20,000</u> |
| Other Improvements | | | 20,000 | Total Value | | | 855,600 |
| Total Value | | | <u>1,628,200</u> | | | | |

Melco Inc
 Record 9000
 Tax Years 2012 - 2010

621 W Jubal Early Drive

| Original | | | Revised | | |
|--------------------|-------|-----------|--------------------|------|-----------|
| Structural Element | | | Structural Element | | |
| A- B01 | 12935 | 165 | A- C01 | 2061 | 85 |
| Depreciation | | 2% | Depreciation | | 2% |
| B- POR | 675 | 15 | B-C01 | 4019 | 85 |
| Depreciation | | 2% | Depreciation | | 2% |
| C- POR | 240 | 15 | C-B01 | 3143 | 135 |
| Depreciation | | 2% | Depreciation | | 2% |
| D- UTIL | 520 | 25 | D-B01 | 3407 | 135 |
| Depreciation | | 2% | Depreciation | | 2% |
| Total Improvements | | 2,117,800 | E- POR | 1300 | 15 |
| Other Improvements | | - | Depreciation | | 2% |
| Total Value | | 2,117,800 | F- UTIL | 534 | 25 |
| | | | Depreciation | | 2% |
| | | | Total Improvements | | 1,405,222 |
| | | | Other Improvements | | - |
| | | | Total Value | | 1,405,200 |

| Original | Revised |
|-----------|-----------|
| Total All | Total All |
| 8,580,200 | 6,321,300 |

| 2012 Refund Due: | | | | |
|---------------------|--------------------|-----------|----------|-----------|
| Original Assessment | Revised Assessment | Diff | Tax Rate | Refund |
| 8,580,200 | 6,321,300 | 2,258,900 | .95/100 | 21,459.55 |
| 2011 Refund Due: | | | | |
| Original Assessment | Revised Assessment | Diff | Tax Rate | Refund |
| 8,580,200 | 6,321,300 | 2,258,900 | .86/100 | 19,426.54 |
| 2010 Refund Due: | | | | |
| Original Assessment | Revised Assessment | Diff | Tax Rate | Refund |
| 8,580,200 | 6,321,300 | 2,258,900 | .77/100 | 17,393.53 |

Andrew Pearson
 3/2/2014
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CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: April 15, 2014 **CUT OFF DATE:** _____

RESOLUTION X ORDINANCE PUBLIC HEARING

ITEM TITLE: Federal Transit Administration (FTA) and Virginia Department of Rail and Public Transportation (VDRPT) Financial Assistance

STAFF RECOMMENDATION: Approval of two (2) resolutions.

PUBLIC NOTICE AND HEARING: NA

ADVISORY BOARD RECOMMENDATION: NA

FUNDING DATA: See attached.

INSURANCE: NA

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

| <u>DEPARTMENT</u> | <u>INITIALS FOR APPROVAL</u> | <u>INITIALS FOR DISAPPROVAL</u> | <u>DATE</u> |
|---------------------------------------------|-----------------------------------|---------------------------------|-------------------------------|
| 1. Finance | <u> <i>TD</i> </u> | _____ | <u> 4/8/14 </u> |
| 2. City Attorney | <u> <i>[Signature]</i> </u> | _____ | <u> 4/9/2014 </u> |
| 3. City Manager | <u> <i>[Signature]</i> </u> | _____ | <u> 4-9-14 </u> |
| 4. Clerk of Council | <u> <i>[Signature]</i> </u> | _____ | <u> 4-9-14 </u> |
| Initiating Department Director's Signature: | <u> <i>[Signature]</i> </u> | _____ | <u> 4/7/14 </u> Date |



APPROVED AS TO FORM:

 [Signature] 4/9/2014
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Perry Eisenach, Public Services Director
Date: April 15, 2014 (Council Work Session)
Re: Federal Transit Administration Financial Assistance, and Virginia Department of Rail and Public Transportation Financial Assistance

THE ISSUE: Federal Transit Administration Financial Assistance, and Virginia Department of Rail and Public Transportation Financial Assistance

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

BACKGROUND: The City receives significant funding from the Federal Transit Administration (FTA) and the Virginia Department of Rail and Public Transportation (VDRPT) for the operation of the Winchester Transit system. FTA and VDRPT rules require that City Council adopt resolutions each year in order to accept these federal funds and state funds.

The total amount of federal and state funding for FY14 will be:

| | Federal Funds (FTA) | State Funds (VDRPT) |
|----------------------|--------------------------------|--------------------------------|
| Operating Assistance | \$449,088 | \$202,426 |
| Capital Assistance | \$199,616 | \$ 28,000 |
| Total Funding | \$648,704 | \$230,426 |

BUDGET IMPACT: The federal and state funds that will be received from FTA and VDRPT are already included in the current FY14 operating and capital budget for Transit.

OPTIONS: Either approve or not approve the attached resolutions.

RECOMMENDATIONS: Approve the resolutions.



THE COMMON COUNCIL

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

RESOLUTION

Federal Transit Administration Financial Assistance

WHEREAS, the Federal Transit Administration has been delegated authority to award Federal financial assistance for transportation services and projects; and

WHEREAS, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the Applicant, and may require the Applicant to provide the local share of the project cost; and

WHEREAS, the applicant will provide all annual Certifications and Assurances to the Federal Transit Administration required for the project; and

NOW, THEREFORE, BE IT RESOLVED BY the Common Council of the City of Winchester that:

1. The City Manager or his designee is authorized to execute and file an application for Federal assistance on behalf of the Winchester Transit with the Federal Transit Administration for Federal operating assistance, in the amount of \$449,088, and Federal capital expenditure assistance in the amount of \$199,616, as authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration. The City of Winchester is the designated recipient of said funds.

2. The City Manager or his designee is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a Federal assistance grant or cooperative agreement.
3. The City Manager or his designee is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the Winchester Transit.

Resolution No.

**ADOPTED by the Common Council of the City of Winchester on the ____
day of _____, 2014.**

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



THE COMMON COUNCIL

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

RESOLUTION

Virginia Department of Rail and Public Transportation Financial Assistance

WHEREAS, the Virginia Department of Rail and Public Transportation has been delegated authority to award State financial assistance for transportation services and projects; and

WHEREAS, the grant or cooperative agreement for State financial assistance will impose certain obligations upon the Applicant, and may require the Applicant to provide the local share of the project cost; and

WHEREAS, the applicant will provide all annual Certifications and Assurances to the Virginia Department of Rail and Public Transportation as required for the project; and

NOW, THEREFORE, BE IT RESOLVED BY the Common Council of the City of Winchester that the City Manager or his designee is authorized, for and on behalf of the Winchester Transit, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, for a grant of financial assistance to defray the operating costs borne by the Winchester Transit for public transportation purposes and to accept from the Virginia Department of Rail and Public Transportation grants in the amount of \$202,426 in Operating Assistance and \$28,000 in Capital Assistance, as may be awarded, and to authorize the Winchester Transit to furnish to the Virginia Department of Rail and Public Transportation such documents and other information as may be required for processing the grant request.

The Common Council of the City of Winchester certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the Winchester Transit will provide funds which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the Winchester Transit may be subject to audit by the Virginia Department of Rail and Public Transportation and by the State Auditor of Public Accounts, and that the funds granted to the Winchester Transit for defraying the expenses of the Winchester Transit shall be used only for such purposes as authorized in the Code of Virginia.

Resolution No.

**ADOPTED by the Common Council of the City of Winchester on the ____
day of _____, 2014.**

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

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: April 15, 2014 **CUT OFF DATE:** April 8, 2014

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

ITEM TITLE: Ordinance to Authorize the Acquisition of Property Necessary for the Realignment of National Avenue Gateway Improvement Project.

STAFF RECOMMENDATION: Authorize approval of condemnation to continue the implementation of the Realignment of National Avenue Gateway Improvement Project

PUBLIC NOTICE AND HEARING: Public Hearing was advertised and held on April 8, 2014

ADVISORY BOARD RECOMMENDATION: The City of Winchester Economic Development Authority have discussed and recommend the attached ordinance

FUNDING DATA: All funding necessary for the acquisition of the property identified in attached Ordinance have been included in the Budget Ordinance for FY14.

INSURANCE: N/A

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

| <u>DEPARTMENT</u> | <u>INITIALS FOR APPROVAL</u> | <u>INITIALS FOR DISAPPROVAL</u> | <u>DATE</u> |
|---------------------------|------------------------------|---------------------------------|-------------|
| 1. Public Utilities _____ | PE | _____ | 4/10/14 |
| 2. _____ | _____ | _____ | _____ |
| 3. _____ | _____ | _____ | _____ |
| 4. _____ | _____ | _____ | _____ |
| 5. City Attorney | <i>[Signature]</i> | _____ | 4/10/2014 |
| 6. City Manager | <i>[Signature]</i> | _____ | 4-10-14 |
| 7. Clerk of Council | <i>[Signature]</i> | _____ | 4-10-14 |

Initiating Department Director's Signature: *[Signature]* Date: 4-10-14



APPROVED AS TO FORM:

[Signature] 4/10/2014
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Dale Iman, City Manager/Interim Economic Development Director
Date: April 15, 2014
Re: UPDATE - Ordinance to Authorize the Acquisition of Property Necessary for the Realignment of National Avenue-Piccadilly Street-East Lane

THE ISSUE: City Staff is seeking the approval of the Common Council for the City of Winchester to take all necessary steps to acquire the property identified in the attached Ordinance in furtherance of the realignment of National Avenue-Piccadilly Street-East Lane for the public use described herein, by condemnation or other means.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: Create a More Livable City for All

BACKGROUND: Common Council for the City of Winchester desires to realign National Avenue to connect to Piccadilly Street in a manner that will create a safer and more efficient traffic pattern thereby enhancing traffic flow into, out of and/or through the Old Town area of the City of Winchester. All properties necessary for completion of this project are under contract, except 228-232 E. Piccadilly Street. It is believed that the property owner may not accept the City's offer or allow voluntary acquisition of said property.

On April 1, 2014, the City Council held first reading on the attached ordinance. Second reading and the required public hearing were held on April 8, 2014. Following the public hearing, Council Member Hill moved that this item be tabled for a review of additional information recently received by City Council. Council Member Clark provided the required second, and the motion was approved unanimously by City Council.

City Council and staff were informed that 232 E. Piccadilly Street was a site on the Winchester African-American Heritage Tour. Dr. Taylor F. Finley's dental offices were located at 232 E. Piccadilly Street from 1936 until the 1950s. Dr. Finley wasn't only a community dentist in the Winchester area, he also taught at Douglas School and operated the Finley Recreation Center, located at 567 North Kent Street. Additionally, his grandson, Donald L. Finley, was the first African-American elected to City Council.

Staff recommends that as part of City Council's action on the condemnation and demolition of the properties located at 228-232 E. Piccadilly Street, required for the construction of the National Gateway Project, that the City Council direct the development of a suitable historic marker that not only preserves the history of 232 E. Piccadilly, but also of several other Winchester African-American Heritage sites located with eye-sight and walking distance of this property. Funding for such a marker could be found within the existing project budget and would be placed in the open space adjacent to the Gateway.

BUDGET IMPACT: All funding necessary for the acquisition of the property identified in attached Ordinance have been included in the Budget Ordinance for FY14

OPTIONS: Council may approve or disapprove the Ordinance.

RECOMMENDATION: Staff recommends that as part of City Council's action on the condemnation and demolition of the properties located at 228-232 E. Piccadilly Street, required for the construction of the National Gateway Project, that the City Council direct the development of a suitable historic marker that not only preserves the history of 232 E. Piccadilly, but also of several other Winchester African-American Heritage sites located with eye-sight and walking distance of this property.

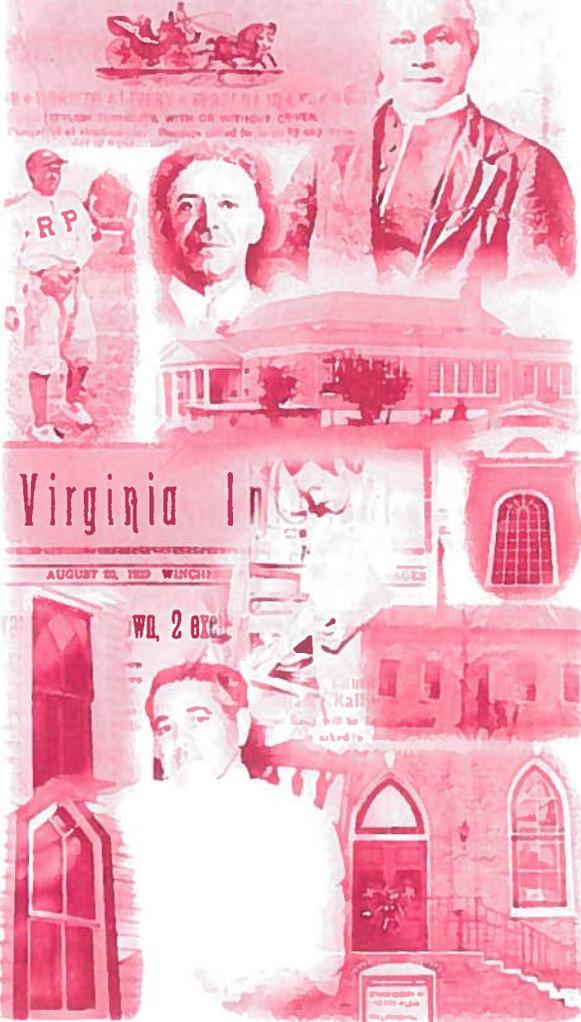
WINCHESTER, VIRGINIA

African-American HERITAGE

A SELF-GUIDED DRIVING TOUR

Orrick's Livery Stables!

Washington Street, - - Winchester, Virginia



Continue south on Fremont Street to the end of the block. Turn right on Kern Street, then left on Chase Street. The church is in the middle of the block, on your left.

21. St. Stephen's CME Church 424 Chase Street

The St. Stephen's congregation of the Colored Methodist Episcopal Church, organized in 1923, was noted in its early years for its active Sunday School and auxiliaries. This church building was first located on South Cameron (Market) Street, and later, raised onto logs, it was moved to this site.



St. Stephen's CME

Go to the end of Chase Street, and turn right on Elk Street, then left on North Kent Street. Go to the light, then left on Piccadilly Street. The site is almost at the end of the block, on your left.

22. Dr. Taylor F. Finley Office 232 East Piccadilly Street

Dr. Finley, whose office was here from 1936 until the 1950s, was not only the black community's dentist. He taught science and manual training at Douglas School (see Site 18) and operated the Finley Recreation Center (see Site 17). His grandson, Donald



Dr. Taylor F. Finley

L. Finley, was the first African-American elected to City Council.

Continue on Piccadilly Street, crossing East Lane. The church is on your left. This is a good place to stop and

Sample for Demonstrative Purposes



AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF PROPERTIES NECESSARY FOR THE NATIONAL AVENUE GATEWAY IMPROVEMENT PROJECT BY MEANS INCLUDING BUT NOT LIMITED TO CONDEMNATION AND ACCEPTANCE BY THE CITY OF SAID PROPERTY

WHEREAS, Common Council for the City of Winchester desires to realign National Avenue to connect to Piccadilly Street in a manner that will create a safer and more efficient traffic pattern thereby enhancing traffic flow into, out of and/or through the Old Town area of the City of Winchester; and

WHEREAS, a preliminary design concept has been developed realigning National Avenue to connect with Piccadilly Street as further detailed in (Exhibit A) attached hereto and titled "Proposed National-Piccadilly-East Ln., and Realignment"; and

WHEREAS, all funding necessary for the acquisitions of the properties to complete the Realignment of National Avenue- Piccadilly Street- East Lane Project have been included in the Budget Ordinance for the Fiscal Year Ending June 30, 2014 (O-2013-11); and

WHEREAS, the properties or designated portions thereof necessary for completion of this project are identified as follows: 216 East Piccadilly St., 222 East Piccadilly St., 226 East Piccadilly St., 228-232 East Piccadilly St., 236 East Piccadilly St., 209 East Ln., 211-13 East Ln., 215 East Ln., 219 East Ln., 221 East Ln., and 247 East Fairfax Lane; and

WHEREAS, the Economic Development Authority of the City of Winchester Virginia has negotiated to facilitate the voluntary acquisition and entered into contract for the same of 216 East Piccadilly St., 222 East Piccadilly St., 226 East Piccadilly St., 236 East Piccadilly St., 209 East Ln., 211-13 East Ln., 215 East Ln., 219 East Ln., 221 East Ln., and 247 East Fairfax Lane; and

WHEREAS, the property or designated portion thereof necessary for completion of this project is identified as follows:

*228-232 East Piccadilly Street, Winchester VA
TM -174-07-B
Instrument No.: 050004395 Land Records of City of Winchester, Va
Owned by: Piccadilly & East, LLC*

WHEREAS, it is believed that the owner of 228-232 E. Piccadilly Street may not accept the offers or allow voluntary acquisition of said property; and

WHEREAS, the City has obtained a proper Title Examination from Pratt's Title & Abstract, Inc., for each of the foregoing properties identifying the ownership of the respective properties; and

WHEREAS, the City has ordered the appraisal for 228-232 E. Piccadilly St. from McPherson & Associates, Inc.; and

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

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

WHEREAS, the acquisition of property identified in this Ordinance is necessary for the completion of the project; and

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

WHEREAS, it is the wish of Common Council for the City of Winchester that the City proceed with completion of the Realignment of National Avenue- Piccadilly Street- East Lane Project as it is believed to be in the best interests of the City.

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

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

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: May 13, 2014 CUT OFF DATE:

RESOLUTION ORDINANCE X PUBLIC HEARING
 Public Hearing and second reading Tuesday June 10, 2014

ITEM TITLE:
 Budget Presentation for FY 2015

STAFF RECOMMENDATION:
 Final Proposed FY 2015 budget

PUBLIC NOTICE AND HEARING:
 N/A

ADVISORY BOARD RECOMMENDATION:
 N/A

FUNDING DATA:
 As presented

INSURANCE:
 No liability assumed.

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 Director _____ | <i>JB</i> | _____ | _____ |
| 2. _____ | _____ | _____ | _____ |
| 3. _____ | _____ | _____ | _____ |
| 4. _____ | _____ | _____ | _____ |
| 5. City Attorney | <i>[Signature]</i> | _____ | <i>5/8/2014</i> |
| 6. City Manager | <i>[Signature]</i> | _____ | <i>5-6-13</i> |
| 7. Clerk of Council | <i>[Signature]</i> | _____ | <i>5-6-13</i> |
| Initiating Department Director's Signature: <i>[Signature]</i> | _____ | _____ | <i>5-6-13</i> Date |

Dale Iman, City Manager



APPROVED AS TO FORM:

[Signature] *5/8/2014*
 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Dale Iman, City Manager
Date: May 13, 2014
Re: Proposed budget presentation

THE ISSUE: Council has reviewed budget data for the past several months to decide on revenues and expenditures.

RELATIONSHIP TO STRATEGIC PLAN: We address all of the current goals of 1. Grow the Economy 2. Create a more livable City for all 3. Develop a high performing organization 4. Continue revitalization of Historic Old Town.

BACKGROUND: During the worksession of April 22, 2014 City Council reviewed budget options presented by the City Manager. Council held a discussion and staff took questions from Councilors. As a result, the Council Option was selected to move forward with one change, the deletion of the legal CEMS review in the amount of \$20,000

BUDGET IMPACT: The attached presentation outlines the spending plan for the general fund and a summary of all funds at the end.

OPTIONS: If changes are made, they must be done at this meeting and pushed forward to Second reading and adoption June 10, 2014. The proposed ordinances to effect the tax increases are running concurrently with the budget document as well.

RECOMMENDATIONS: Staff recommends to move forward with the following presentation and adopt the FY 2015 budget following the public hearing scheduled for Tuesday June 10th, 2014.

COMMON COUNCIL



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

AN ORDINANCE TO AUTHORIZE THE APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2015

WHEREAS, Council approves the following funds for the purposes herein specified for the fiscal year ending June 30, 2015:

FY 2015 CITY OF WINCHESTER REVENUE & EXPENDITURE BUDGETS ALL FUNDS

| General Fund Revenues | | General Fund Expenditures | |
|--------------------------------------|-------------------|-------------------------------------------|-------------------|
| Local Sources | 70,609,900 | General Government Administration | 5,766,545 |
| State | 5,920,100 | Judicial Administration | 3,179,600 |
| Federal | 358,000 | Public Safety | 19,141,496 |
| Other Financing Sources | 5,322,000 | Public Works | 3,587,900 |
| | | Health & Welfare | 891,065 |
| Total GF Revenues | 82,210,000 | Education | 27,754,318 |
| | | Parks, Recreation, Cultural | 3,276,654 |
| | | Community Development | 1,789,872 |
| | | Transfers | 6,473,100 |
| | | Debt | 10,349,450 |
| | | Total GF Expenditures | 82,210,000 |
| | | | |
| Social Services Fund Revenues | | Social Services Fund Expenditures | |
| State | 2,976,084 | Health & Welfare | 7,231,000 |
| Federal | 1,926,916 | | |
| Other Financing Sources | 2,328,000 | | |
| Total Social Services Revenue | 7,231,000 | Total Social Services Expenditures | 7,231,000 |

| Highway Maintenance Fund Revenues | |
|----------------------------------------------|------------------|
| Local | 6,600 |
| State | 3,852,800 |
| Other Financing Sources | 1,466,600 |
| Total Highway Maint Revenue | 5,326,000 |

| Highway Maintenance Fund Expenditures | |
|--------------------------------------------------|------------------|
| Public Works | 5,326,000 |
| Total Highway Maint Expenditures | 5,326,000 |

| Transit Fund Revenues | |
|----------------------------------|------------------|
| Local Sources | 100,000 |
| State | 175,000 |
| Federal | 717,000 |
| Other Financing Sources | 283,000 |
| Total Transit Revenue | 1,275,000 |

| Transit Fund Expenditures | |
|--------------------------------------|------------------|
| Public Works | 1,275,000 |
| Total Transit Expenditures | 1,275,000 |

| Emergency Medical Services Fund Revenues | |
|-----------------------------------------------------|------------------|
| Local | 964,000 |
| Other Financing Sources | 54,000 |
| Total EMS Revenue | 1,018,000 |

| Emergency Medical Services Fund Expenditures | |
|---------------------------------------------------------|------------------|
| Public Safety | 1,018,000 |
| Total EMS Expenditures | 1,018,000 |

| Win-Fred Co Convention & Visitors Bureau Revenues | |
|------------------------------------------------------------------|----------------|
| Local | 140,500 |
| Other Financing Sources | 131,500 |
| Total WFCVB Revenue | 272,000 |

| Win-Fred Co Convention & Visitors Bureau Expenditures | |
|----------------------------------------------------------------------|----------------|
| Community Development | 272,000 |
| Total WFCVB Expenditures | 272,000 |

| Law Library Fund Revenues | |
|--------------------------------------|---------------|
| Local | 50,000 |
| Total Law Library Revenue | 50,000 |

| Law Library Fund Expenditures | |
|------------------------------------------|---------------|
| Judicial Administration | 50,000 |
| Total Law Library Expenditures | 50,000 |

| Winchester Parking Authority | |
|-------------------------------------|------------------|
| Revenues | |
| Local | 1,146,000 |
| Other Financing Sources | 981,000 |
| Total WPA Revenue | 2,127,000 |

| Winchester Parking Authority | |
|-------------------------------------|------------------|
| Expenditures | |
| Public Safety | 57,670 |
| Public Works | 1,490,705 |
| Debt | 578,625 |
| Total WPA Expenditures | 2,127,000 |

| City Capital Improvement Fund | |
|--------------------------------------|-------------------|
| Revenues | |
| Local | 2,500,000 |
| State | 8,289,200 |
| Federal | 920,000 |
| Other Financing Sources | 7,345,800 |
| Total CIP Revenue | 19,055,000 |

| City Capital Improvement Fund | |
|--------------------------------------|-------------------|
| Expenditures | |
| Public Safety | 5,000,000 |
| Public Works | 12,600,000 |
| Parks, Recreation, Cultural | 1,455,000 |
| Total CIP Expenditures | 19,055,000 |

| Utilities Operating Fund | |
|---------------------------------|-------------------|
| Revenues | |
| Local | 20,430,000 |
| Federal | 290,000 |
| Total Utilities Revenue | 20,720,000 |

| Utilities Operating Fund | |
|-------------------------------------|-------------------|
| Expenditures | |
| Public Works | 8,548,014 |
| Transfers | 1,600,000 |
| Debt | 10,571,986 |
| Total Utilities Expenditures | 20,720,000 |

| Utilities Capital Improvement Fund | |
|-------------------------------------------|----------------|
| Revenues | |
| Local | 250,000 |
| Other Financing Sources | 175,000 |
| Total Utilities CIP Revenue | 425,000 |

| Utilities Capital Improvement Fund | |
|-------------------------------------------|----------------|
| Expenditures | |
| Public Works | 425,000 |
| Total Utilities CIP Expenditures | 425,000 |

| Employee Benefits Fund | |
|-----------------------------------|----------------|
| Revenues | |
| Local | 460,000 |
| Other Financing Sources | 213,000 |
| Total Employee Ben Revenue | 673,000 |

| Employee Benefits Fund | |
|----------------------------------------|----------------|
| Expenditures | |
| General Government Administration | 673,000 |
| Total Employee Ben Expenditures | 673,000 |

| Equipment Operating Fund Revenues | | Equipment Operating Fund Expenditures | |
|----------------------------------------------------------|--------------------|--------------------------------------------------------------|--------------------|
| Local | 1,460,000 | General Government Administration | 1,460,000 |
| Total Equipment Revenue | 1,460,000 | Total Equipment Expenditures | 1,460,000 |
| Other Post-Employment Benefits Fund Revenues | | Other Post-Employment Benefits Fund Expenditures | |
| Local | 459,000 | General Government Administration | 459,000 |
| Total OPEB Revenue | 459,000 | Total OPEB Expenditures | 459,000 |
| NW Regional Jail Authority Capital Fund Revenues | | NW Regional Jail Authority Capital Fund Expenditures | |
| Local | 1,064,000 | Debt | 1,064,000 |
| Total NWRJA Revenue | 1,064,000 | Total NWRJA Expenditures | 1,064,000 |
| Fred-Winc Service Authority Fund Revenues | | Fred-Winc Service Authority Fund Expenditures | |
| Local | 4,379,000 | Public Works | 4,379,000 |
| Total FWSA Revenue | 4,379,000 | Total FWSA Expenditures | 4,379,000 |
| Northwestern Regional Juvenile Detention Revenues | | Northwestern Regional Juvenile Detention Expenditures | |
| Local | 1,863,980 | Public Safety | 2,678,000 |
| State | 765,182 | | |
| Federal | 18,000 | | |
| Other Financing Sources | 30,838 | | |
| Total NRJDC Revenue | 2,678,000 | Total NRJDC Expenditures | 2,678,000 |
| City Revenue Budget | 150,422,000 | City Expenditures Budget | 150,422,000 |

| School Food Services Fund Revenues | |
|-------------------------------------------|------------------|
| Local Sources | 713,500 |
| State | 36,950 |
| Federal | 1,295,111 |
| Total Food Services Revenue | 2,045,561 |

| School Food Services Fund Expenditures | |
|-----------------------------------------------|------------------|
| Food Services | 2,044,561 |
| Operations & Maintenance | 1,000 |
| Total Food Services Expenditures | 2,045,561 |

| School Operating Fund Revenues | |
|---------------------------------------|-------------------|
| Local Sources | 473,634 |
| State | 21,452,730 |
| Other Financing Sources | 27,699,102 |
| Total School Operating Revenue | 49,625,466 |

| School Operating Fund Expenditures | |
|--------------------------------------------|-------------------|
| Technology | 2,561,344 |
| Instruction | 37,224,597 |
| Attendance & Health | 2,388,866 |
| Pupil Transportation | 2,084,473 |
| Operations & Maintenance | 5,362,186 |
| Facilities | 4,000 |
| Total School Operating Expenditures | 49,625,466 |

| Federal Grants Fund Revenues | |
|-------------------------------------|------------------|
| Federal | 2,188,991 |
| Total Federal Grants Revenue | 2,188,991 |

| Federal Grants Fund Expenditures | |
|------------------------------------------|------------------|
| Technology | 72,837 |
| Instruction | 2,113,074 |
| Pupil Transportation | 3,080 |
| Total Federal Grants Expenditures | 2,188,991 |

| Textbook Fund Revenues | |
|-------------------------------|----------------|
| Other Financing Sources | 100,000 |
| Total Textbook Revenue | 100,000 |

| Textbook Fund Expenditures | |
|------------------------------------|----------------|
| Instruction | 100,000 |
| Total Textbook Expenditures | 100,000 |

| School Fundraising Fund Revenues | |
|-----------------------------------------|----------------|
| Local Sources | 58,000 |
| Other Financing Sources | 342,000 |
| Total Fundraising Revenue | 400,000 |

| School Fundraising Fund Expenditures | |
|---------------------------------------------|----------------|
| Facilities | 400,000 |
| Total Fundraising Expenditures | 400,000 |

| School Capital Improvements Fund Revenues | | School Capital Improvements Fund Expenditures | |
|------------------------------------------------------|---------------------|----------------------------------------------------------|---------------------|
| Other Financing Sources | 268,600 | Facilities | 268,600 |
| Total Capital Improv Revenue | 268,600 | Total Capital Improv Expenditures | 268,600 |
| School Insurance Fund Revenues | | School Insurance Fund Expenditures | |
| Local Sources | 4,294,200 | Other Non-instructional Operations | 2,072,200 |
| Other Financing Sources | 450,000 | Transfers | 2,672,000 |
| Total Insurance Revenue | 4,744,200 | Total Insurance Expenditures | 4,744,200 |
| School Scholarship Fund Revenues | | School Scholarship Fund Expenditures | |
| Local Sources | 91,450 | Other Non-instructional Operations | 98,450 |
| Other Financing Sources | 7,000 | | |
| Total Scholarship Revenue | 98,450 | Total Scholarship Expenditures | 98,450 |
| Schools Revenue Budgets | 59,471,268 | Schools Expenditures Budget | 59,471,268 |
| Total City & Schools Revenue | 209,893,268 | Total City & Schools Expenditures | 209,893,268 |
| Less transfers between funds | (38,451,202) | Less transfers between funds | (38,451,202) |
| Total Revenue Budget | 171,442,066 | Total Expenditure Budget | 171,442,066 |

WHEREAS, there is available in the general fund an unencumbered and unappropriated sum sufficient to meet such appropriations, and

WHEREAS, all appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully obligated or encumbered, and

WHEREAS, all ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Winchester that the funds specified herein are hereby appropriated for the purposes specified for the fiscal year ending June 30, 2015.

Ordinance No. 2014-__

ADOPTED by the Common Council of the City of Winchester on the 10th of June, 2014.

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

*Kari J. Van Diest
Deputy Clerk of the Common Council*

City of Winchester Fiscal Year 2015 Budget



City of Winchester Fiscal Year 2015 Budget
Core Services

Council Mission

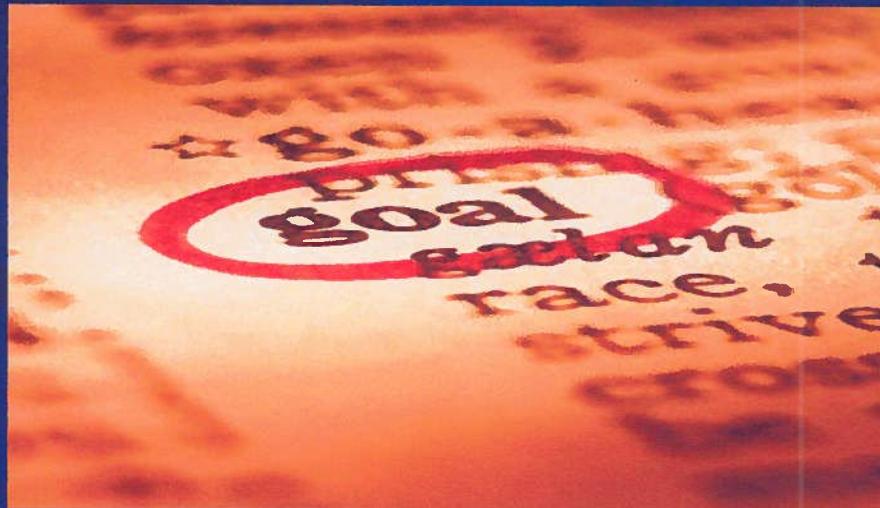
- The mission of the City of Winchester is to be a financially sound City providing top quality municipal services while focusing on the customer and engaging our community.



City of Winchester Goals

This proposed FY 2015 budget document consistently supports the following goals:

1. Grow the Economy
2. Create a more livable City for all
3. Develop a high performing organization
4. Continue Revitalization of Historic Old Town



Policy Agenda- Top priorities

- Meadow Branch Avenue
- Conference/Events Center
- Enterprise zone: Next Steps
- John Kerr Elementary School
- City Gateway Beautification Project
- Public Safety Communication System

Management Agenda- Top Priorities

- Economic Development Staffing
- Comprehensive Municipal Facilities/Historic Building Plan
- Succession Planning: development
- City-Schools Service consolidations
- Events Coordinator & Policy
- Federal Mogul Reuse

Principals of Sound Financial Management

- Fund balance policy
 - 20% of General Fund Expenditures
 - \$15,785,000 for FY 2015
- Debt Policy
 - Net debt service as a percentage of general fund expenditures
 - Net debt as a percentage of assessed value
- Investment Policy
- Various other policies governing operations such as procurement, payroll, etc.

Debt Policies

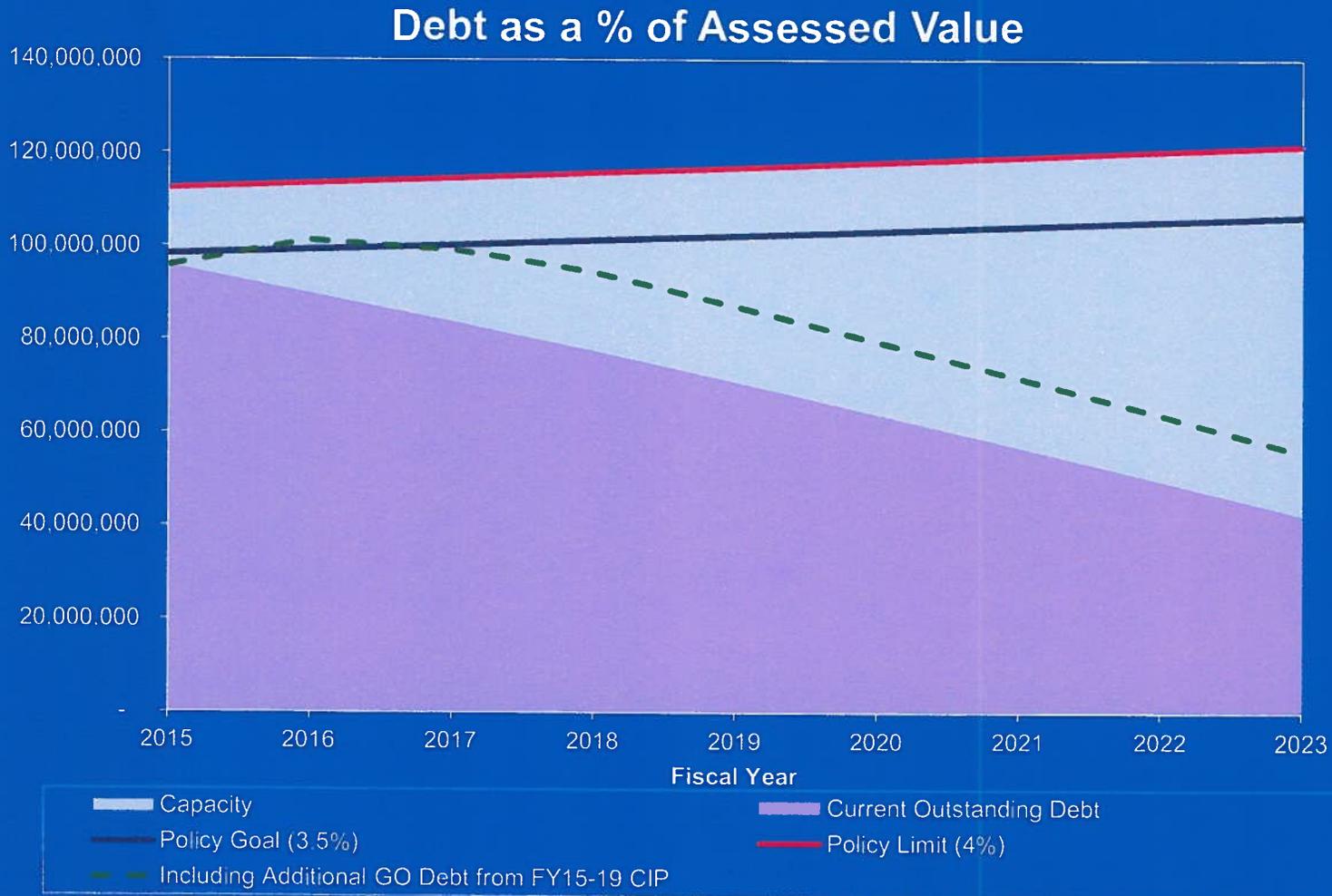
- Net Debt as a percentage of assessed value will not exceed 4% (target of 3.5%)
- General Obligation debt and capital lease payments as a percentage of general government expenditures will not exceed 15% (target of 12.5%)

Key Ratio Comparison

| Locality | Credit Rating | | | Unassigned Fund Balance as a % of GF Revenue | Debt as % of AV | Debt Service as % of Operating Exp. |
|-------------------|---------------|------------|----------|-------------------------------------------------|--------------------|----------------------------------------|
| | Mdys | S&P | Fitch | | | |
| Winchester | Aa2 | AAA | - | 21.5% | 3.2% | 10.0% |
| Charlottesville | Aaa | AAA | - | 19.1% | 2.3% | 6.2% |
| Fredericksburg | Aa2 | AA | AA+ | 22.9% | 2.5% | 7.5% |
| Harrisonburg | Aa2 | AA | - | 25.4% | 3.8% | 10.7% |
| Lynchburg | Aa2 | AA+ | AA+ | 18.7% | 3.0% | 6.9% |
| Roanoke | Aa2 | AA+ | AA+ | 10.2% | 3.2% | 12.7% |
| Staunton | Aa2 | A+ | - | 7.3% | 2.5% | 4.7% |
| Suffolk | Aa2 | AA+ | AA+ | 25.0% | 3.3% | 10.1% |

Source: Moody's MFRA data.
Note: All data shown is for FY 2013.

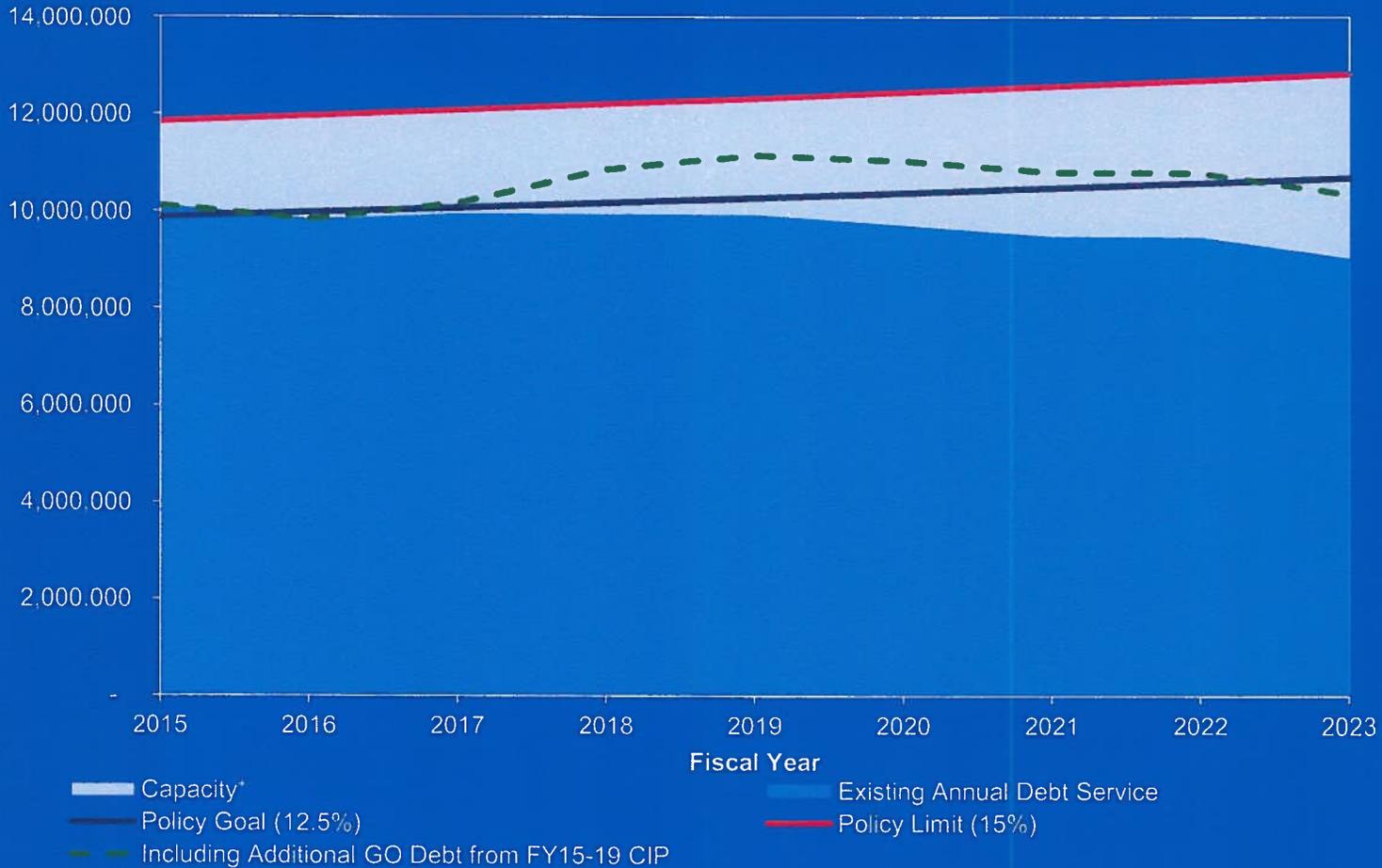
Debt as a % of Assessed Value



Note: Assumes Assessed Value of \$2,806,878,981 for FY 2015 with 1% annual growth in AV thereafter.

Debt Service as a % of General Fund Expenditures

Debt Service as a % of General Fund Expenditures



Note: Assumes \$79,000,000 GF Expenditures in FY 2015 and 1% annual growth in GF Expenditures thereafter.

Summary of The General Fund

| | |
|----------------------------------|---------------------|
| ■ Fund Balance @ June 30, 2013: | \$22,190,771 |
| ■ Projected 2014 Revenues: | 75,405,000 |
| ■ Projected 2014 Expenditures: | (74,500,000) |
| ■ Projected use of Fund Balance: | (2,200,000) |
| TOTAL EXPENSES: | (76,700,000) |
| | \$20,895,771 |

Projected Fund Balance at June 30, 2014

General fund FY 2015 Budget

- Results focused to accomplish Councils Goals
- Focus on Information Technology, Economic Development projects, Education and health and human services.
- Appropriate funds towards Council goals and high and top priority objectives related to those goals.
- Pre-funded (in FY 2014) a capital reserve fund to advance Council goals to have a consistent approach to address funding of projects.

General fund Proposed Revenue 2015

| | FY 2014 (adopted) | Proposed FY 2015 | Difference |
|------------------------------|-------------------|------------------|-------------|
| Property Taxes | \$37,033,000 | \$37,632,000 | \$599,000 |
| Other Local | 26,875,000 | 29,146,000 | 2,271,000 |
| Revenue From State & Federal | 6,096,400 | 6,278,100 | 181,700 |
| Permits, Fees&fines& misc. | 3,772,100 | 3,831,900 | 59,800 |
| Utility Recovery | 1,600,000 | 1,600,000 | 0 |
| Subtotal | \$75,376,500 | \$78,488,000 | \$3,111,500 |
| Use of Fund Bal. | 4,623,500 | 3,772,000 | (851,500) |
| Total: | \$80,000,000 | \$82,260,000 | \$2,260,000 |

Proposed Increases- Core budget

| | |
|--------------------------------------------------|-----------|
| ■ 3% increase & pay scale maint. | 540,000 |
| ■ Schools increase (with 3% increase) | 1,397,400 |
| ■ Schools CIP transfer (QES chiller) | 50,000 |
| ■ HR position added in FY 2014 | 112,626 |
| ■ Emergency Management position: | 37,000 |
| ■ EDA Position part-time to Full time: | 35,000 |
| ■ Reclassification requests/Part time increases: | 43,725 |
| ■ 2 firefighter positions: | 100,000 |
| ■ Timbrook House grant funding: | 16,200 |
| ■ Tax Relief: | (250,000) |
| ■ Operating requests: | 31,865 |
| ■ Maintenance to Historic Buildings: | 100,000 |
| ■ Fire Grants: | 57,000 |
| ■ Equipment replacement: | 126,500 |
| ■ Capital Reserve: | (100,000) |



Proposed Increases- core budget

| | |
|---------------------------------------------|---------------------|
| ■ Social Services: | 175,200 |
| ■ Transit: | 4,600 |
| ■ The Laurel Center: | 50,000 |
| ■ Discovery Museum (capital): | 100,000 |
| ■ Jail increase: | 139,901 |
| ■ Juvenile Detention Operating: | 61,931 |
| ■ EDC: | (72,000) |
| ■ Airport: | (62,572) |
| ■ Other Regional Agencies: | 45,694 |
| ■ Debt: | 628,430 |
| ■ Fund Balance uses/ projects from FY 2014: | |
| – World Series Expenditures | 60,000 |
| – Time & Attendance: | 70,000 |
| – Professional Contracts: | 50,000 |
| – Schools CIP: | 50,000 |
| – Other CIP projects: | 3,285,000 |
| Total Increases (decreases): | \$6,833,500 |
| TOTAL FY 2015 Exp. Requests: | \$82,260,000 |

Proposed Tax / Fee increases

- Meals Tax increase 1% from 5% to 6%
- Motel Tax increase 1% from 5% to 6%
- Cigarette tax increase 10 cents from 25 cents to 35 cents
- Vehicle License tax increase \$1.00 from \$24.00 to \$25.00
- Sanitation fee \$5 (3/4 of a year)



Proposed Expenditures 2015

| | FY 2014 (Adopted) | Proposed FY 2015 | Difference |
|-----------------------------|-------------------|------------------|-------------|
| General Operating | \$31,407,124 | \$32,155,365 | \$748,241 |
| Outside Agencies | 282,713 | 338,938 | \$56,225 |
| Regional/ Joint Agencies | 5,065,041 | 5,177,995 | 112,954 |
| Schools | 26,301,702 | 27,699,102 | 1,397,400 |
| Schools Capital/Timbrook | 0 | 66,200 | 66,200 |
| School Debt | 7,602,700 | 8,116,800 | 514,100 |
| Transfers | 4,883,000 | 4,138,100 | (744,900) |
| City Debt | 1,652,720 | 2,232,500 | 579,780 |
| Capital Projects | 2,805,000 | 2,335,000 | (470,000) |
| Total | \$80,000,000 | \$82,260,000 | \$2,210,000 |

New Proposed Positions

| Department | Position | Amount |
|---------------------------|------------------------------------|----------------------------|
| Finance/HR | Admin. Assistant I | \$10,500 |
| Commonwealths Attorney | Secretary | \$37,800 (State funded) |
| Fire & Rescue | 2 Firefighters | \$100,000 |
| Emergency Management | Emergency Management Technician | \$37,000 |
| Parks & Recreation | Maintenance Tech I | \$12,479 |
| TOTAL (all funds): | 6 new Positions | \$197,779 |

Reclassification/Part-time recommendations

| Department | Position- Old | Position-new | From/to | Amount |
|-------------------------------------|-------------------------------------------|---------------------------------------------------|----------------|------------------|
| City Manager | Marketing Coordinator | Marketing Coor./PIO/FOIA Officer | Grade 16 to 18 | \$5,530 |
| Police | Secretary | CRO | Grade 10 to 12 | \$2,000 |
| Economic Development | Grants Coordinator/ Project Specialist | Economic Development Program Coordinator | Grade 16 to 19 | \$35,000 |
| Utilities | Senior Lab tec | Lab Supervisor | Grade 15 to 17 | \$4,700 |
| FWSA | Senior Lab tec | Lab Supervisor | Grade 15 to 17 | \$4,564 |
| Police | Increase Part time | | 4 part timers | \$13,215 |
| Total Manager Recommendation | | | | \$203,245 |

Funded equipment requests

| Department | Equipment | Funded |
|---------------------------|------------------------|--------------------------------|
| Sheriff | Sheriff Vehicles (1) | \$28,000 |
| Police | Vehicles | \$242,400 (8) |
| Fire & Rescue | Washer & Dryer | \$20,000 |
| Emergency Mgt. | SUV | \$30,000 |
| Refuse | Refuse/Recycling Truck | \$150,000 (1) |
| Parks & Recreation | 4X2 pickup truck | \$25,000(1) |
| Highway Maint./Streets | Leaf Boxes | \$16,600 (4) |
| Social Services | Sedan | \$20,000(1) |
| Transit | Buses | \$250,000 (2) |
| Equipment Fund | Truck | \$30,000(1) |
| Total General Fund | \$500,500 | \$812,000 (all sources) |

Information Technology Focus- Funded projects

| | Prior | FY 2015 |
|-------------------------------------|-----------|-----------|
| IBM i5 replacement | | \$30,000 |
| Enterprise Hardware Repl. | \$272,666 | \$147,333 |
| Time and Attendance | | \$180,000 |
| Enterprise Training Plan | | \$25,000 |
| Physical and Environmental Controls | | \$40,000 |
| Desktop Virtualization Study | | \$10,000 |
| Increased internet bandwidth | | \$7,560 |
| Workflow Automation | | \$20,000 |

Information Technology Focus- Funded projects

| | Prior | FY 2015 |
|----------------------------|------------------|------------------|
| Emergency Medical Dispatch | | \$25,535 |
| Webtrac – Onsite | | \$29,544 |
| iPad Management | | \$450 |
| Facility Badge Access | | \$15,000 |
| Total | \$272,666 | \$530,422 |

Pulled \$30,107 into current year because we chose not to procure Grants and Contracts Management software

CIP Projects- Carry forward from FY 2014

■ Bond Proceeds:

- Public Safety Comm. project: \$5,000,000
- John Kerr Elementary School: 20,000,000

■ Fund Balance:

- Athletic Field Improvements 185,000
- Green Circle: 200,000

CIP Projects- Additional Fund Balance

| | |
|-----------------------------------|-------------|
| ■ National Avenue Gateway: | \$700,000 |
| ■ Hope Drive Extension: | 150,000 |
| ■ Entryway Welcome Signs: | 50,000 |
| ■ Traffic Synchronization: | 250,000 |
| ■ Meadow Branch Extension: | 350,000 |
| ■ Sidewalks: | 550,000 |
| ■ Paving (\$500,000) in base Exp. | 400,000 |
| ■ City Hall Brick Repairs: | 300,000 |
| ■ Park Roadway Resurfacing: | 150,000 |
| Total CIP proj.- Add' l fund bal: | \$2,900,000 |

Strategic Plan items funded

| | |
|-----------------------------------------|---------|
| ■ National Historic District Revisions: | \$9,000 |
| ■ Parks & Rec. Needs assessment: | 35,000 |
| ■ Enterprise Zone Incentives: | 100,000 |
| ■ Succession plan/Org study: | 80,000 |
| ■ Leadership training: | 13,000 |
| ■ Class/Compensation Study: | 47,000 |

CIP- all funds and funding sources

| Project | Prior Years | FY 2015 |
|----------------------------------|-------------|-------------|
| Public Safety Radio Network | \$400,000 | \$5,000,000 |
| JJC Improvements | \$75,000 | \$300,000 |
| City Hall brick repairs | \$0 | \$300,000 |
| Green Circle | \$2,753,000 | \$1,120,000 |
| Entryway Welcome signs | \$0 | \$50,000 |
| National Avenue Gateway Improve. | \$1,750,000 | \$1,400,000 |
| Meadow Branch Ave. Extension | \$100,000 | \$3,650,000 |

CIP- all funds and funding sources, Cont'd

| Project | Prior Years | FY 2015 |
|-----------------------------------|-------------|-------------|
| Hope Drive Extension | \$100,000 | \$300,000 |
| Monticello Street Ext | \$1,000,000 | \$4,000,000 |
| Tevis Street Ext. | \$0 | \$1,400,000 |
| Valley/Tevis Drainage & Sidewalks | \$0 | \$700,000 |
| Traffic Signal Sync. | \$0 | \$500,000 |
| Athletic Field Reno. | \$15,000 | \$185,000 |
| Parks Roadway Resurfacing | \$0 | \$150,000 |
| Sidewalk Replacement | \$2,330,000 | \$550,000 |

CIP- all funds and funding sources, Cont'd

| Project | Prior Years | FY 2015 |
|----------------------------|-------------|--------------|
| New Utility Billing System | \$0 | \$400,000 |
| Municipal Service Center | \$100,000 | \$25,000 |
| JKES | \$0 | \$17,000,000 |
| QES Chiller overhaul | \$0 | \$50,000 |

Unfunded Requests

| | |
|--------------------------------------|--------------|
| ■ Personnel requests: | \$1,253,499 |
| ■ Equipment requests: | 934,500 |
| ■ Outside/Reg Agencies | 254,406 |
| ■ Department Operating: | 2,391,973 |
| ■ Department IT requests: | 416,881 |
| ■ Other Minor capital items: | 1,820,000 |
| ■ TOTAL unfunded requests: | \$7,071,259, |
| approximately 9% of the total budget | |

Summary- All funds

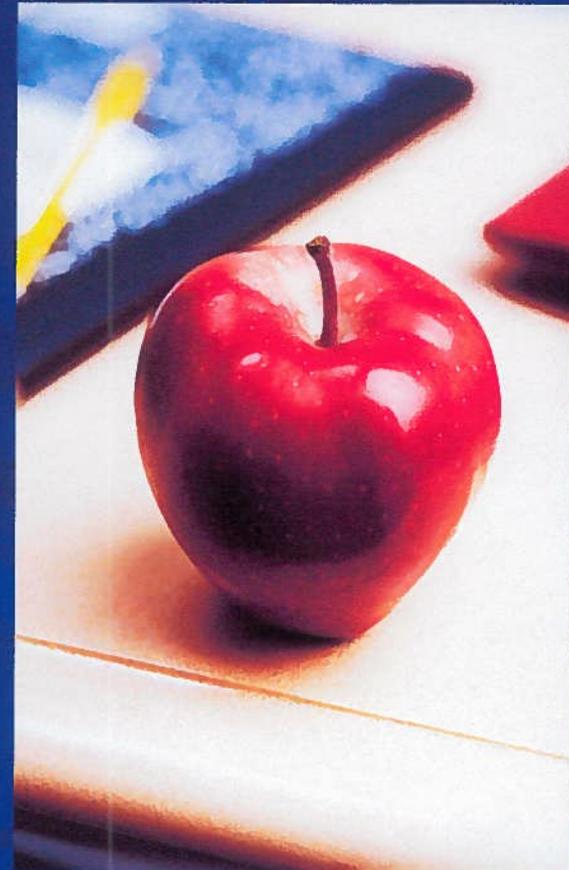
| Fund | FY 2014 (adopted) | FY 2015 (Proposed) |
|---------------------|-------------------|--------------------|
| General | \$80,000,000 | \$82,260,000 |
| Social Services | \$7,242,000 | \$7,231,000 |
| Highway Maintenance | \$4,570,000 | \$5,326,000 |
| Transit | \$1,640,000 | \$1,275,000 |
| EMS | \$970,000 | \$1,018,000 |
| Tourism | \$252,000 | \$272,000 |
| Law Library | \$50,000 | \$50,000 |
| Parking Authority | \$2,145,000 | \$2,127,000 |
| CIP | \$19,690,000 | \$19,055,000 |
| Utilities Operating | \$20,689,000 | \$20,720,000 |
| Utilities CIP | \$185,000 | \$425,000 |

Summary- All funds, cont'd

| Fund | FY 2014 (adopted) | FY 2015 (Proposed) |
|----------------------------------|----------------------|----------------------|
| Employee Benefits | \$4,338,000 | \$673,000 |
| Equipment | \$1,450,000 | \$1,460,000 |
| OPEB | \$477,000 | \$459,000 |
| NW Reg Jail Const. Fd. | \$1,075,000 | \$1,064,000 |
| FWSA | \$4,258,000 | \$4,379,000 |
| NRJDC | \$2,644,000 | \$2,678,000 |
| Total (City): | \$151,675,000 | \$150,472,000 |
| City Schools: | \$56,420,186 | \$59,471,268 |
| Total City & Schools: | \$208,095,186 | \$209,943,268 |

Future Consideration

- City/Schools Capital Needs
- Continued support for the capital reserve fund
- I T investment
- OPEB requirements
- Stormwater infrastructure



Questions?



CITY OF WINCHESTER, VIRGINIA

CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: May 13, 2014 **CUT OFF DATE:** 05/06/2014

RESOLUTION X ORDINANCE PUBLIC HEARING

ITEM TITLE: Adoption of the FY 2015 Strategic Plan and Adoption of the Governance Guide

STAFF RECOMMENDATION: Adopt the FY 2015 Strategic Plan and Governance Guide

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: N/A

INSURANCE: N/A

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

| <u>DEPARTMENT</u> | <u>INITIALS FOR APPROVAL</u> | <u>INITIALS FOR DISAPPROVAL</u> | <u>DATE</u> |
|----------------------------|------------------------------|---------------------------------|-------------|
| 1. Commonwealth Attorney | APR 26-28 | | 5/6/14 |
| 2. Commissioner of Revenue | NTB | | 05/10/14 |
| 3. Economic Redevelopment | TB | | 4/16/14 |
| 4. Emergency Management | RCM | | 4-16-14 |
| 5. Finance | B | | 4-15-14 |
| 6. Fire and Rescue | [Signature] | | 4/16/14 |
| 7. Human Resources | PM | | 4-16-14 |
| 8. Information Technology | [Signature] | | 4/16/14 |
| 9. Old Town Winchester | [Signature] | | 4/16/14 |
| 10. Parking Authority | ARA | | 4/16/14 |
| 11. Parks and Recreation | [Signature] | | 4/16/14 |
| 12. Planning | [Signature] | | 4/16/14 |
| 13. Police | [Signature] | | 4/16/14 |



14. Public Services

FF

4/16/14

15. Sheriff's Office

[Signature]

5/16/14

16. Social Services

AGH

4/16/14

17. Tourism

JCS

4/16/14

18. Treasurer

GB

4/23/14

19. Zoning and Inspections

AMB

4/16/14

20. City Attorney

[Signature]

4-29-14

21. City Manager

[Signature]

4-29-14

22. Clerk of Council

Initiating Department Director's Signature:

[Signature]
Steward

05/13/2014

Date



APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

5/8/2014

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Dale Iman, City Manager
Date: May 13, 2014
Re: Leader's Guide 2014 Adoption and Governance Guide Adoption

ISSUE: The City of Winchester uses a robust strategic planning model to set priorities, focus resources, align operations, and ensure that the entire organization is working toward common goals. Winchester's strategic planning model includes an annual retreat by the City Council and quarterly updates by staff. Following the annual retreat, the attached Leader's Guide 2014 was created that captures all of the refinements requested by City Council. At this time, staff is requesting City Council formally adopt the Leader's Guide 2014 that includes the FY 2015 Strategic Plan and Governance Guide.

It should be noted that the City's Strategic Plan, like all strategic plans, is a living document. As such, changes may be made throughout the year as circumstances change and new opportunities emerge.

RELATIONSHIP TO STRATEGIC PLAN: The Leader's Guide 2014 articulates the City Council's desire for the community and serves as the basis of the FY 2015 Strategic Plan.

BACKGROUND: In 2012, the City Council engaged Lyle Sumeck to facilitate a community strategic plan. The plan that was created had four main elements; Vision Statement 2028, Goals 2018, Mission Statement, and Policy/Management Agendas. The full strategic plan, along with quarterly updates of this plan, is available online at www.winchesterva.gov/government/strategic-plan.

To continue the momentum generated by using this strategic planning process, the City Council held a follow-up retreat in December 2013. Refinements made to the strategic plan are included in the attached Leader's Guide 2014.

At City Council's March 11 meeting, the City Council referred this item back to a work session for a fuller discussion on March 18. At the March 18 Work Session, Council requested staff review/edit the following, as appropriate:

1. Was Social Beverage Permission Beer/Wine at War Memorial Building/Amphitheater voted as HIGH or MODERATE priority by City Council during discussion on the Policy Agenda? According to the facilitator's tally sheet, attached, this item was placed as MODERATE priority by Council, as shown on the Strategic Plan documents provided to City Council on March 18.
2. Was Citizens/Community Survey voted as a MODERATE priority by City Council during discussion on the Policy Agenda? According to the facilitator's tally sheet, attached, this item was placed as MODERATE priority by City Council, as shown on the Strategic Plan documents provided to City Council on March 18.
3. Can a summary of the FY 2015 activities be included at the front of the Leader's Guide? Yes. A summary of the Leader's Guide is now included at the front of the document.
4. Can the Governance Guide be adopted separately from the Leader's Guide? Yes. Two resolutions have been drafted to approve the Leader's Guide and the Governance Guide separately.

BUDGET IMPACT: The cost of the strategic planning process was included FY 2015 budget.

OPTIONS:

1. Adopt the Leader's Guide and the Governance Guide, as presented
2. Adoption the Leader's Guide and the Governance Guide with modifications; or
3. Provide direction to staff and/or take no action at this time.

RECOMMENDATIONS:

Staff recommends adoption of the Leader's Guide 2014 that includes the FY 2015 Strategic Plan and adoption of the Governance Guide.

COMMON COUNCIL



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

A RESOLUTION ADOPTING THE LEADER'S GUIDE 2014: FY 2015 STRATEGIC PLAN

WHEREAS, The City of Winchester uses a robust strategic planning model to set priorities, focus resources, align operations, and ensure that the entire organization is working toward common goals; and

WHEREAS, Winchester's strategic planning model includes an annual retreat by the City Council and quarterly updates by staff; and

WHEREAS, following the City Council's annual retreat in December 2013, the attached Leader's Guide 2014 was created that captures all of the refinements requested by City Council; and

WHEREAS, the Leader's Guide 2014 contains the FY 2015 Strategic Plan, and provides direction to staff needed in the development of the FY 2015 budget and organizational work plans;

NOW, THEREFORE BE IT RESOLVED, the City Council hereby adopts the Leader's Guide 2014 that includes the FY 2015 Strategic Plan.

RESOLUTION No. _____

COMMON COUNCIL



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

A RESOLUTION ADOPTING THE CITYCOUNCIL GOVERNANCE GUIDE

WHEREAS, The City of Winchester uses a robust strategic planning model to set priorities, focus resources, align operations, and ensure that the entire organization is working toward common goals; and

WHEREAS, one of the goals established by City Council is to ‘Create a High Performing Organization; and

WHEREAS, the City Council feels that in order to achieve that goal there should be protocols on how to better facilitate the communication among their members and city staff; and

WHEREAS, the City Council reviewed and refined these issues during their annual strategic plan into a formal document called a Governance Guide;

NOW, THEREFORE BE IT RESOLVED, the City Council hereby adopts the Governance Guide for use by the Winchester Common Council.

RESOLUTION No. _____

LEADER'S GUIDE

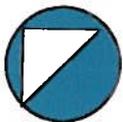
2014

FINAL REPORT

Mayor and City Council



Winchester, Virginia
January 2014



Lyle Sumek Associates, Inc.
9 Flagship Court
Palm Coast, FL 32137-3373

Phone: (386) 246-6250
Fax: (386) 246-6252
E-mail: sumekassoc@gmail.com

City of Winchester: Strategic Plan

VISION 2028

*WINCHESTER 2028 is a
Beautiful, Historic City
and a Hometown for Families*

*WINCHESTER 2028 has a
Vibrant Downtown,
a Growing Economy,
Great Neighborhoods with a
Range of Housing Choices
and Easy Movement.*

GOALS 2018

Grow the Economy

Create a More Livable City for All

Develop a High Performing Organization

Continue Revitalization of Historic Old Town

POLICY AGENDA 2013 – 2014

Top Priority

John Kerr Elementary School
Meadow Branch Avenue: Development
Conference Center: Development
Enterprise Zone: Next Steps
City Gateway Beautification Project
Public Safety Communications System

High Priority

North End Redevelopment Strategy and Action Plan
Retail Attraction/Retention Strategy
Patsy Cline Economic Strategy Development
Incentives for City/School Employees
Storm Water Management Policy and Utility
Historic Old Town Gateway Enhancements
Housing Stock Condition Assessment and Plan
Community Events Policy

Moderate Priority

Zero Pak Redevelopment
Social Beverage Permission Beer/Wine at War Memorial
Building/Amphitheater
Comprehensive Parking Strategy
(Residential, Credit Card, Self Sufficiency)
Citizens/Community Survey

MANAGEMENT AGENDA 2013 – 2014

Top Priority

Succession Planning: Development
City-Schools Service Consolidations
Comprehensive Municipal Facilities/Historic
Building Maintenance Plan
EDA Staffing
Events Coordinator and Policy
Federal Mogul Reuse: Clean Up, Marketing

High Priority

Douglas Learning Center Renovation
Substance Abuse/Mental Health
Human Resources Policy and Procedures
National Historic District: Expansion
City Relations with Businesses: Action Plan
McCormac Amphitheater Development
Parks and Recreation Needs Assessment

WINCHESTER CITY GOVERNMENT MISSION

*The mission of the City of Winchester is to be a
Financially Sound City
providing Top Quality Municipal Services
while Focusing on the Customer
and Engaging our Community.*



MANAGEMENT IN PROGRESS 2014 – 2015

Major Employer Attraction Strategy: Implementation (EDA)

Cancer Center Development: Decision, Site Plan,
Bond Issuance

317 South Cameron Street Redevelopment (Old Jail):
Close the Deal

Student Housing Plan: Belleview Direction
Career Technical Education Center
(at Douglas Learning Center)

Police Department Survey: Report and Actions
Field Maintenance Plan: Implementation
Community Gardens: Pilot Project
SWAT Truck

Neighborhood Walking Tours and Council Report on
Finding (CRT/CDC)

Heroin Use Reduction Action Plan
Blighted Structure Report

Social Services Emergency Management Plan
Active Shooter Program/Training
Cal Ripken World Series

Rental Space at Youth Development Center
Comprehensive Service Act:
Corrective Action Plan

Aquatics Facelift (Outdoor/Indoor)

Comprehensive Zoning Ordinance: Revision
414 South Braddock Street Resolution

Online Participant Registration for Web Trac
City Owned Property Report and Map
City Reorganization Plan: New Phase

Boards/Commissions: Orientation Program
Emergency Operations Plan: Revision

Information Technology Master Plan: Update
Hiring Process: Review/Revision

Emergency Management Social Media

Affordable Care Act: Part Time Employees

Volunteer Organizations Active in Disaster (Regional)

Fire Code and Permit Updates (including Inspections)

Employee Annual Performance Review

Emergency Management Professional Development Series
Performance Measures: Refinement
Building Permit Fee Schedule: Review

Fire and EMS Reporting System: Implementation
Hazmat Vehicle Storage

SunGard Enterprise Software: Web Enablement
City Hall Security Plan

Fire Volunteer Recruitment and Retention Program
Time and Attendance Software (Citywide)
Employee Survey

Student Internship/Work Study Program: Formalization
Employee Wellness Program

Payroll Process Software: Implementation

Comprehensive Formal Communications and
Marketing Plan

Personal Property Application Software
Real Estate Application Software
Trolley: Policy on Use

Downtown Public Safety Security Plan: Update Report

Downtown Façade Improvement Program:
Grant, Enterprise Funding

Historic District Design Guidelines:
BAR Manual for New Materials
Fly Tower Lease

Downtown Business Outreach:
Process Review, Update Report

George Washington Hotel Parking Study
Parking Payment: Credit Cards and Debit Cards

MAJOR PROJECTS 2014 – 2015

Bermuda Grass Fields: Staffing and Equipment

Parks: ADA Compliance (Phase I)
Skate Pavilion

South Loudoun/Abrams Creek Drainage Project

Citywide Sidewalk Improvements: Phase II Project
(Loudoun and Cork)

Green Circle Trail: Phase II Project
Bridgeforth Stadium: Turf

I-81 Interchange (VDOT) – Exit 313:
Preliminary Design

East Lane/Piccadilly/National Avenue Realignment
Tevis Street Extension: Design

Jim Barnett Park Signage and Beautification: Phase I

Green Circle Trail Phase III: Design
Hope Drive Extension: Design

Valley Avenue Sidewalk/Drainage Improvements: Design

Millwood Avenue Improvement (with SU)
Nester Drive Extension
Tevis Bridge (VDOT)

Taylor Hotel Project: Public Spaces
Cork Street Sidewalks
Parking Garage Improvements
Green Circle Trail (Downtown Phase)

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SECTION 1

LEADERSHIP AND STRATEGIC PLANNING WORKSHOP: AGENDA

LEADERSHIP AND STRATEGIC PLANNING WORKSHOP

Mayor and City Council

City of Winchester

December 2013

AGENDA

Thursday, December 12th

- 12:30 pm Leadership and Strategic Planning Workshop: Overview
- 1) Purpose/Outcomes
 - 2) Agenda
- 14:45 pm Leadership: Framework and Insights
- 12:55 pm Strategic Planning Model for City of Winchester
- 1) Elements
 - 2) Re-Connecting the "Dots"
 - 3) Process
- 1:10 pm Performance Report for 2013
- 1) Achievements 2013
 - 2) Services: Costs Saving and New/Expanded Services
 - 3) Department Successes for 2013
- 2:15 pm Looking to Winchester's Future
- 1) Success in 2013
 - 2) Action Ideas 2014 – 2015
- 3:20 pm Goals 2019
- 1) Review
 - 2) Priority
- 3:30 pm Goal 1: Grow the Economy
- 1) Objectives: Review, Refinements
 - 2) Challenges and Opportunities: Refinements, Priority
 - 3) Actions for 2014 – 2015: Status, Expectations Strategic Discussion, Milestones, Priority for 2014 – 2015

- 5:40 pm Goal 2: Create a More Livable County for All
- 1) Objectives: Review, Refinements
 - 2) Challenges and Opportunities: Refinements, Priority
 - 3) Actions for 2014 – 2015: Status, Expectations, Strategic Discussion, Milestones, Priority for 2014 – 2015

6:00 PM DINNER

- 7:45 pm Goal 3: Develop a High Performing Organization
- 1) Objectives: Review, Refinements
 - 2) Challenges and Opportunities: Refinements, Priority
 - 3) Actions for 2014 – 2015: Status, Expectations, Strategic Discussion, Milestones, Priority for 2014 – 2015

Friday, December 13th

- 8:00 am Goal 3: Develop a High Performing Organization
- 1) Objectives: Review, Refinements
 - 2) Challenges and Opportunities: Refinements, Priority
 - 3) Actions for 2014 – 2015: Status, Expectations, Strategic Discussion, Milestones, Priority for 2014 – 2015

- 9:00 am Goal 4: Continue Revitalization of Historic Old Town
- 1) Objectives: Review, Refinements
 - 2) Challenges and Opportunities: Refinements, Priority
 - 3) Actions for 2014 – 2015: Status, Expectations, Strategic Discussion, Milestones, Priority for 2014 – 2015

- 10:00 am Strategic Planning: Next Steps
- 1) Strategic Planning Session with Executive Team: Reality Test, Actions Outlines 2014 – 2015 – Who, Milestones, Key Issues, Time Frame, Process and Reporting Refinements
 - 2) Leadership and Strategic Planning Workshop II for Mayor and City Council: Plan: Plan 2014 – 2019 Review/Finalize, Action Outlines 2014: Review/Finalize, Making the Strategic Planning Process for Winchester – Updates and Reporting

- 10:30 am Governance: Mayor – City Council in Action
- 1) Governance Topics
 - 2) Discussion, Direction and Follow up Actions

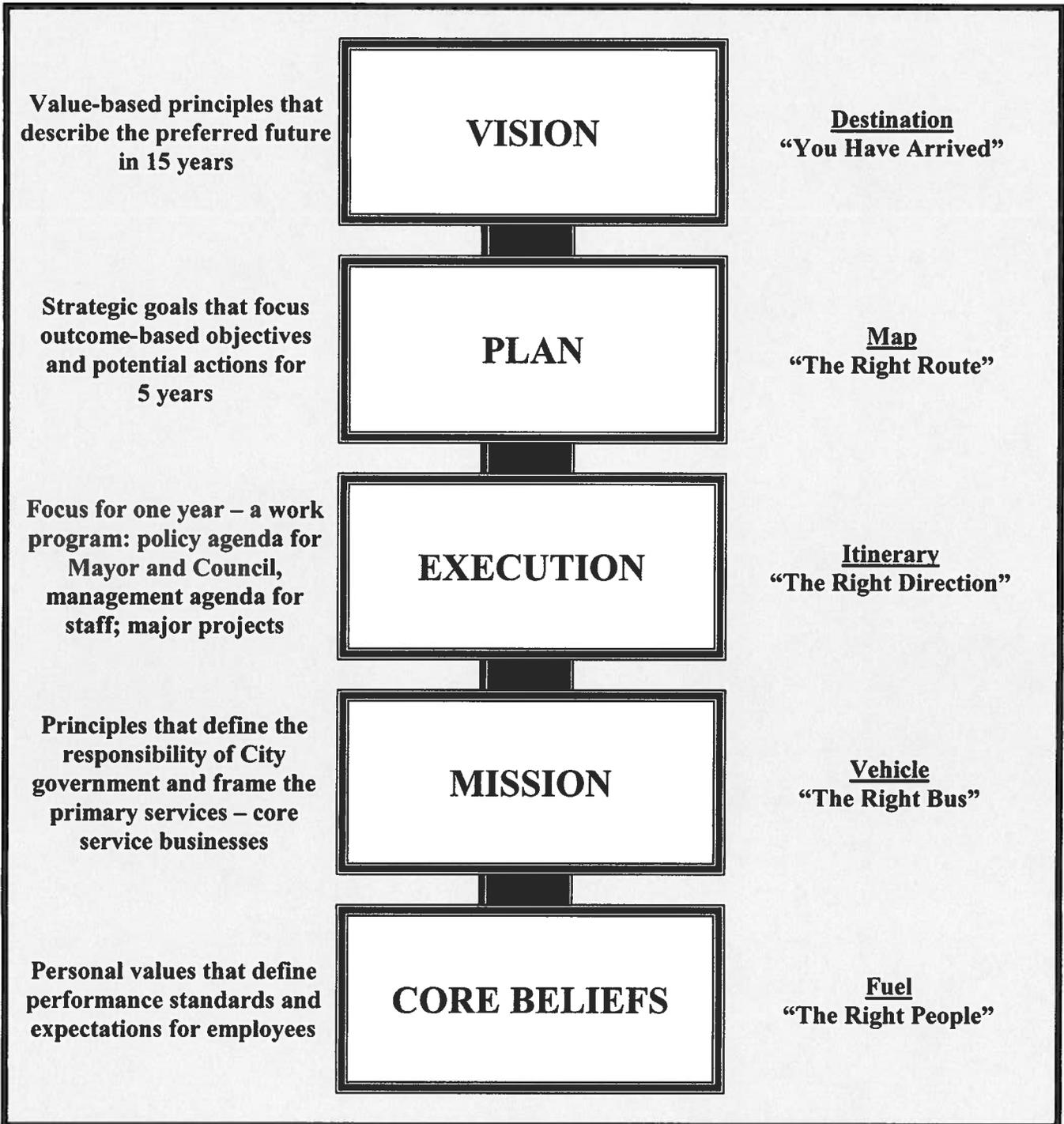
12:00 pm LUNCH

1:00 PM Wrap up

SECTION 2

STRATEGIC PLANNING FOR THE CITY OF WINCHESTER

STRATEGIC PLANNING MODEL



SECTION 3

LOOKING TO WINCHESTER'S FUTURE

City of Winchester Success in 2019 means...

Mayor:

- 1. All Entrances Completed: City Entry Monument Sign/Landscape and Entry Historic Old Town/Special Areas**
- 2. Winchester Tower Redevelopment**
- 3. Green Circle Complete**

John H:

- 1. Attract Ethnic Businesses**
- 2. Recognition: African America Historical Markers**
- 3. Use of Old Cheese Factory**

John W:

- 1. Premier Small City, College Town**
- 2. Event Destination: Mid Atlantic**
- 3. Leverage Medical Science – Research Lab, Jobs**

Milt:

- 1. John Kerr Elementary School: Completion**
- 2. Wards Plaza Redevelopment**
- 3. Improved Relationship with Frederick County**

Evan:

- 1. Variety of Affordable Housing Options**
- 2. CTE: Variety of Vocational Training, Working with Businesses**
- 3. Ward Plaza Redevelopment**
- 4. Meadow Branch Avenue: Completion**

Jeff:

- 1. North End City Redevelopment**
- 2. Higher Median: Income Level, Education Level**

Ben:

- 1. City Expanded to Highway 37**
- 2. Regional Leader of the Valley**
- 3. Wyck Street Redevelopment**

Les:

- 1. Education: John Kerr Elementary School; Education Performance CTE**
- 2. North End Redevelopment: Zero Pak, Retail**
- 3. Better Education/Information to Community: Businesses and Residents**

Dale:

- 1. Tevis Street Extension and Bridge over I-80**
- 2. John Kerr Elementary School: Completion**
- 3. Municipal Service Center**

City of Winchester Action Priorities for 2014

Mayor:

- 1. Laurel Center: Completion**
- 2. Destination: The Place**
- 3. John Kerr Elementary School**

John H:

- 1. Laurel Center: Completion**
- 2. Berryville Project: Completion**
- 3. Safe Streets: Drug Problems**

John W:

- 1. John Kerr School/Communication Tower**
- 2. 2nd Downtown District**
- 3. Organization Succession Plan and Process**
- 4. Meadow Branch Extension: Development**

Milt:

- 1. Succession Plan: Development**
- 2. Meadow Branch Extension: Groundbreaking**
- 3. Convention Center: Groundbreaking**
- 4. City – Community Relations: Greater Trust**

Evan:

- 1. John Kerr Elementary School**
- 2. Communication Tower**
- 3. 100% Downtown Mall Space**
- 4. City Communication: Webpage, Facebook**

Jeff:

- 1. John Kerr Elementary Groundbreaking Plan for Future School Growth**
- 2. Downtown Boundary Expansion**
- 3. Meadow Branch Extension**

Ben:

- 1. White Collar Job/Presence at Trade School**
- 2. Community Involvement in City Government**
- 3. Divided Community: East – West – Social/Economic**

Les:

- 1. Economic Development: Plan**
- 2. City Brand and Marketing Program**
- 3. Communications: Mayor and Council, Staff, Communication**

Dale:

- 1. Public Safety Community**
- 2. Revenue: Storm Water Utility**
- 3. Redevelopment Catalyst**

City of Winchester Action Ideas for 2014 Mayor and City Council Perspective

1. Sign Ordinance: Common Sense/Workable, Revision
2. Community Events: Evaluation, City Role, Funding Level
3. EDC: Performance Evaluation/Return for City Dollars, Direction, Funding
4. Retail Study: Funding, Completion, City Action Plan
5. Economic Development Marketing Program: Funding, Development, Actions
6. Tourism Marketing: Funding, Development
7. Sears Renovation
8. Community Organizations: Funding, Policy Direction
9. Patsy Cline: Event Development, Marketing, City Participation
10. Pleasant Valley Development: Overlay Zoning, Signage
11. Community Survey: Funding, Completion
12. Employee Survey: Process, Funding, Completion, Action Plan
13. Succession Planning Process: Development, Funding
14. Brownfields on Northside: Re-Use Plan, City Actions
15. Historic Old Town Facade Improvement Program: Development, Funding
16. Grocery Store Retention/Attraction Strategy: Direction, Funding, City Actions
17. Old Town Development Board Business Connection: Action Plan

18. Downtown Extended Area: Vision and Link to Historic Old Town, Land Use and Infrastructure Plan, City Actions
19. Blighted Buildings: Identification, Direction, Actions
20. Piccadilly Entrance Clean Up: Action Plan
21. Green Circle Trail Development: Next Steps
22. Bikes on Sidewalks Ordinance: Review, Enforcement
23. Sidewalks to Elementary Schools: Evaluation, Plan Review, Project Priority, Funding
24. Speed Zones: Problem Analysis, Direction. City Actions, Funding
25. Historic Society: Performance Accountability, Sponsorships, Relationship to City, Funding
26. Frederick County Offices Relocation: Discussion, Opportunities, Direction, City Plans
27. Old Courthouse: Direction, City Purchase
28. Entrances Beautification Plan: Direction, Funding (including Cedar Creek, National, Highway 11)
29. City Reorganization: Update, Evaluation, Direction, Next Steps
30. Police Department Survey: Findings, Review, City Actions
31. City-owned Property: Report, Direction
32. I-81 Major Changes: Analysis of Impacts, Direction, Action Plan
33. Branding Winchester: Development (e.g. Pride in Winchester)
34. Non Resident Property Owners: Problem Analysis, Direction, Action Plan
35. John Kerr Elementary School: Final Decision, Construction
36. Branding/Logo for Historic Old Town: Development
37. Downtown Manager Business Outreach Program: Development, Update Reports (including discussion of store hours)

38. Historic Conferences/Conventions Attraction Strategy: Identification of Opportunities, City Action Plan
39. Sign Enforcement: Evaluation, Direction, City Actions
40. Monticello Drive Connection: Direction
41. Neighborhood Assessment and Plan: Development, Funding
42. Older Housing Stock: Assessment, Direction, City Actions
43. Business Attraction/Recruitment Strategy: Development, Funding
44. Flood Insurance: Update Report, Direction, City Actions
45. Town Center Walkability Plan: Evaluation, Direction, City Actions
46. Permitting/Citizen Service Request: Audit/Evaluation Report, Recommendations, Direction, City Actions
47. Security Plan for Historic Old Town: Analysis, Plan Development, Funding, City Action
48. Treatment Center: Problem Analysis/Community Impacts, Direction, Action Plan
49. Organization Study and Recommendations: Direction, Funding, Recommendations, Actions (performed by an outside organization)
50. Baseball Attraction Strategy: Direction, City Actions
51. Traffic Enforcement: Evaluation, Problem Analysis, Direction, Funding (including Red Light Running, Stop Sign Violations, Speeding, etc.)
52. Citywide Communications Plan: Best Practices, Evaluation, Direction, Plan Development, City Actions, Funding
53. EDA: Staffing Position, Direction, Funding
54. Organizational Leadership: Feedback, Problem Analysis, Action Plans (individual and organizational)
55. Relations with Businesses: Dialog/Feedback on City Performance, Direction, City Actions
56. Hiring Process: Review/Revision

57. Permitting Process: Performance Audit, Recommendations, Direction, City Actions
58. Communication Tower: Final Decision, Review the Process, Revision of Process
59. Economic Development Performance Metrics: Definition, Development, Process, Use of Data
60. Catalyst Sites for Redevelopment: Status, Direction, City Action Plan
61. Relations with the Chamber for Commerce: Evaluation, Direction, City Actions
62. Historic Old Town Performance Metrics: Definition, Development, Use
63. Class "A" Office Building in the Historic Old Town: Goals, Opportunities, Direction
64. Taylor Hotel Project: Completion
65. Rental Housing Stock: Analysis of Condition and Market, Goals, Plan, Direction, City Actions
66. Overcrowding in the Schools: Problem Analysis, Goals, Direction, Plan, City Actions/School Actions
67. Rental Housing Registration and Inspection Program: Best Practices, Report, Direction, Actions, Funding
68. Walkable/Bikable Community: Assessment, Master Plan, Direction, City Actions
69. Green Spaces Creation: Assessment, Locations/Opportunities: Direction, City Actions
70. Air Force ROTC: City Funding, Program Development
71. Wards Plaza: Revitalization
72. High-end Retail Attraction Strategy: Development, City Actions, Funding (e.g. Dillards, Macy, etc.)
73. Conference Center: Direction, City Actions
74. Children Activities Expansion in Downtown: Assessment, Direction, City Actions
75. Ice Skating: Evaluation, Direction, Location, City Actions, Funding
76. Discovery Museum Renovation: Next Steps

77. Undergrounding Utilities: Assessment, Direction, Funding
78. Grocery Store for Downtown: Market Analysis, Direction, City Actions
79. Urgent Care for Downtown: Evaluation, Direction, City Actions
80. Apartment Development Projects
81. Millwood Plaza Plan: Development
82. Cedar Creek Grade Entrance Beautification/Signage Plan: Definition, Direction, City Actions
83. NE Area Redevelopment/Development Plan: Development, City Actions
84. National Avenue Re-routing Project: Construction
85. Tevis Road Bridge: Direction, Funding
86. Meadow Branch Road: Direction
87. Detox Center Vacant Building: Direction, Sale
88. Career/Technical Training Programs: Expansion (e.g. Nurses)
89. Business Outreach Program: Development, Funding
90. Marketing Winchester to Businesses: Program Development
91. Customer Focus Training: Development, Funding
92. One Stop Shop: Concept Definition, Direction, Funding
93. Visitors Center for Downtown: Direction, Funding
94. Neighborhood Outreach/Communications Program: Definition, Goals, Best Practices, City Actions, Funding
95. Walking the Neighborhood Program: Development, Direction, City Actions
96. Next School Renovation - Douglass School: Direction, Funding
97. North End Crime/Drug Reduction: Working with Neighborhood, City Action Plan

98. Stormwater Management Plan and Utility: Direction, City Actions
99. Housing Rehab with Habitat for Humanity: Goals, Program Development
100. Rental Housing Registration and Inspection Program: Direction
101. Neighborhood Based Police Patrol: Evaluation, Direction, Funding
102. Speed Limits: Review, Evaluation, Direction
103. Youth Activities and Employment Opportunities: Assessment, Direction, City Role
104. Homeownership Program: Best Practices, Goals, Direction, City Role, Actions
105. Outreach to Latino Community: Best Practices, Goals, Direction, Actions

City of Winchester Top Priorities for 2014

EXECUTIVE PERSPECTIVE

1. **John Kerr Elementary School: Direction**
2. **Public Safety Communications System: Resolution**
3. **414 South Braddock Resolution**
4. **Winchester Tower Redevelopment**
5. **Neighborhood Revitalization: Potato Hill, Loudoun North, Woodstock Lane**
6. **Conference Center: Decision**
7. **Meadow Branch Extension: Funding Decision**
8. **Communications and Marketing Plan**
9. **Revenue Generation to Support City Workload**
10. **Municipal Service Center**
11. **Storm Water Utility**

New Realities for Cities: Trends

1. COMMUNICATING WITH COMMUNITY

- Social media as the #1 source of news, following by online media, then cable news
- Unverified information as the source
- Emphasis on "headlines" rather than the story
- Desire for instant information while it is happening
- Traditional method of communicating ineffective

2. AGING POPULATION: MORE 80+

- Limited housing options
- Many seniors aging in place (single family homes)
- Increasing demands for City services, particularly Fire and Police
- Lack of affordable independent and assisted living facilities
- Looking to government for wellness and leisure facilities, programs and services

3. SHRINKING PRESENCE OF RETAIL

- Online retail experiencing growth
- Store going to online sales and reducing/eliminating retail store
- Retail space more expensive than distribution space
- Availability of next day delivery
- Too much land zoned for commercial retail

4. SLOW ECONOMIC RECOVERY

- Significant foreign investment in the United States
- China investing in Midwest infrastructure and land in strategic locations
- Businesses challenge of accessing the capital markets
- Expectations: Public-Private partnerships for new business growth
- Opportunities for entrepreneurialism

5. EVOLVING HOUSING MARKET

- Difficulty in obtaining loans to purchase a house (e.g. Student Loans)
- Rise of micro rentals: 250-400 square feet with mini kitchenette
- Baby boomer questioning homeownership
- Lack of supply of higher end and large rentals in mixed used developments
- Increasing single family home rentals

6. FINANCIAL SELF SUFFICIENT CITY GOVERNMENT

Fewer outside funding sources: grants and earmarks

Unfunded liability of pension systems

Costs of healthcare and insurance and the uncertain impacts of Affordable Care Act

States restricting revenue options for local governments

Higher taxes or less government services on the way

7. FEDERAL GOVERNMENT IS BROKEN

New Realities for Winchester

1. Winchester: A "Small City" and Regional Center
 - 9 square miles
 - No opportunities to expand
 - Need to maximize land use
 - Potential development on borders: businesses (in County)
 - Need to generate revenues to support quality of life and community sustainability
2. Changing Demographics
 - Potential: Haves vs. Have Not's
 - Significant number on public assistance and free/reduced lunch
 - Drawing low income: housing, public transportation jobs – construction, food industry, social services (non profits)
 - Limited vocational/career training opportunities at High School
 - Impacts: Schools, Services – Assistance, Prevention, Treatment, Number of "Loan" Shops
3. Loss of Channel 3
 - Making it more difficult to communicate with the community
 - Provided "good news" stories
 - Reduces avenues to communicate with the community: general information, emergencies, critical issues needing an explanation
4. Limited Housing Stock
 - Old, wood build homes: small, difficult to remodel or upgrade, small lots
 - Small inventory on the market
 - Minimum inspections: basic life and safety focus (limited by state)
 - Limited quality housing for young professionals and young families to purchase homes
5. Momentum in a "Vibrant Downtown"
 - People coming to Downtown: to live, to eat, to enjoy themselves, to party
 - People make noise, city makes noise, noise from neighbors
 - More businesses coming
 - Do we want to continue success?

6. Significant Number of “ Non Profits” – No Property Tax
 - Drug Rehab
 - Medical
 - Churches
 - University
 - Government

7. Evolving City Leadership and Management
 - Hiring process open and engaging
 - More optimistic workforce
 - Sense of organization stability
 - Teamwork and interdepartmental cooperation on issues, planning and tasks
 - Professional image

8. Challenge: Salary Structure and Employee Recruitment/Retention/Promotion
 - Compression: Salary
 - Supervisor making less than employees
 - No executive compensation
 - Need for succession planning

**Looking to Winchester's Future
Departmental View**

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: City Attorney's Office

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- **SIGNIFICANT LEGAL ISSUES AHEAD:** The City is engaged in a large number of projects that will require or may implicate significant legal action or issues. These include condemnations in furtherance of roadway projects currently underway, possible demolition of a large, historic unsafe residential structure, defense and support of issues related to the emergency communications radio tower, personnel matters, potential legal issues related to actions taken by third parties or related entities such as the JKES proposal and the proposed County Office move, legal claim against the NRADC, and others. Prioritizing and handling of these and other legal matters which may arise during the ensuing years will be a challenge.
- **CONTINUED EFFORTS BY THE ORGANIZATION TO EFFECTUATE CONTINUITY OF LEADERSHIP AND MANAGEMENT** (as stated in the October 2012 Worksheet).
- **CONTINUED EFFORTS TO EFFECTUATE CONTINUITY OF VISION AND DIRECTION** (as stated in October 2012 Worksheet)
- **CONTINUED EFFORTS IN ADMINISTRATION'S DEVELOPMENT AND ADHERENCE TO STANDARD OPERATING PROCEDURES AND PROTOCOLS** (as stated in October 2012 Worksheet)

MANAGEMENT IN PROGRESS 2014 PROJECTS AND ISSUES Winchester, Virginia December 2013

DEPARTMENT: City Attorney's Office

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 City v. Martin Gavis – Case No.: 840CL13000385-00 – Declaratory Judgment seeking authorization from Court to demolish or repair unsafe structure at 414 S. Braddock Street.
- 2 Monticello Extension Project – Potential / pending condemnation actions in furtherance of roadway project.
- 3 National Avenue Realignment Project – Potential/pending condemnation actions in furtherance of roadway project.
- 4 Suzanne Boren, Guardian (Rockie Watts) v. NRADC – Civil Action No.: 5:31CV00013 – possible defense of efforts to resolve \$37M claim by NRADC of liability of member jurisdictions for injuries suffered by inmate at regional jail.
- 5 Emergency Communications Tower – efforts to resolve legal issues related to location of emergency communications tower.
- 6 Other Personnel Related Matters
- 7 Orienting and indoctrinating new Assistant City Attorney and obtaining appropriate necessary budgetary adjustments for her CLE's and other required training.

**INITIATIVES 2014:
SHORT-TERM ISSUES AND PROJECTS
Winchester, Virginia
December 2013**

DEPARTMENT: City Attorney's Office

Please list issues or projects that you would like for the city to address this next year 2014.

- 1 Address issues associated with allowing necessary time for this Office to review Agenda Item proposals.
 - 2 Address and reconcile relationships between the City and County and attempt to foster opportunities for shared resources and revenues (DSS, Emergency Communications and Services, Parks and Recreation, etc.)
 - 3 Address globally, the scope of expected services to be provided as fiscal agent for joint projects with specific emphasis on legal and human resources services.
- Improve the level of communication with regard to the administration's provision of information necessary for formulating legal opinions and advice.

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: Commonwealth's Attorney

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- Challenge: Commonwealth's Attorneys' Office being removed from the Joint Judicial Center. The City will be required to provide suitable office space in close proximity to the Joint Judicial Center.

Solution: Kurtz Building?
- Challenge: Keep experienced personnel. (In 2013 lost experienced prosecutor of 7 ½ years)

Solution: Pay salaries comparable to Frederick County and to other legal departments within the City.
- Challenge: Keeping prosecutors' trial skills high.

Solution: Update trial equipment, laptops, iPads, evidence display equipment and software. Large monitors for display to juries, to keep pace with technological advances.
- Challenge: Training.

Solution: Enhanced training opportunities for both attorneys and support staff. Advance trial techniques, advanced software training. Advanced workshops on working with children as well as adult victims of trauma.
- Challenge: Higher crime rate in blighted areas.

Solution: Continue blight abatement and revitalization of downtown Winchester. Focus City resources on prosecution of cases originating from these areas.
- Challenge: Heroin/Illegal drugs.

Solution: Foster interagency cooperation. Fund child and adult educational programs, rehabilitation programs, and enforcement efforts.

**MANAGEMENT IN PROGRESS 2014
PROJECTS AND ISSUES
Winchester, Virginia
December 2013**

DEPARTMENT: Commonwealth's Attorneys' Office

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 Prosecution of felonies and misdemeanors ongoing.
- 2 Keep Multi-Jurisdictional Grand Jury functioning for our region.

**INITIATIVES 2014:
SHORT-TERM ISSUES AND PROJECTS
Winchester, Virginia
December 2013**

DEPARTMENT: Commonwealth's Attorneys' Office

Please list issues or projects that you would like for the city to address this next year 2014.

- | |
|--------------------------------------------------------------------------------------------|
| 1 Begin the groundwork for areas discussed under "Challenges In The Next Five Years." |
|--------------------------------------------------------------------------------------------|

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: Commissioner of the Revenue

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- Attracting healthy businesses which in turn provide stable employment
- Improving the educational and economic level of our citizenry
- Managing the growing special needs population challenging our schools
- Developing a comprehensive tourism plan which brings out-of-area revenue to City businesses and increases overnight stays

**MANAGEMENT IN PROGRESS 2014
PROJECTS AND ISSUES
Winchester, Virginia
December 2013**

DEPARTMENT: Commissioner of the Revenue

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 Preparation for annual business license renewal season
- 2 Preparation for Real Estate Tax Relief annual program
- 3 Several significant audits
- 4 Proceed with Personal Property Application software selection
- 5 Investigate options for Real Estate Application software packages
- 6 Develop relationship with incoming Treasurer

**INITIATIVES 2014:
SHORT-TERM ISSUES AND PROJECTS
Winchester, Virginia
December 2013**

DEPARTMENT: Commissioner of the Revenue

Please list issues or projects that you would like for the city to address this next year 2014.

- 1 Improve security for City Hall
- 2 Improve utilization of office space in City Hall for better customer service and better internal efficiency
- 3 Investigate options for returning Personal Property billing to the current calendar year basis used by every other locality in Virginia

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: Economic Redevelopment

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- Continued redevelopment of Winchester's North End neighborhood
- Redevelopment of Winchester Towers
- Redevelopment of Zero Pak
- Redevelopment of Wards Plaza
- Balancing the ratio of commercial property to residential property and tax exempt property
- Increase household incomes
- Attraction strategy for high-tech, bio medical and creative class work force
- Conference Center development and financing strategy
- Improve housing stock to accommodate desired workforce

**MANAGEMENT IN PROGRESS 2014
PROJECTS AND ISSUES
Winchester, Virginia
December 2013**

DEPARTMENT: Economic Redevelopment

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 Continued rehabilitation of Taylor Hotel fly tower, and pavilion
- 2 Zero Pak Redevelopment
- 3 Monticello Street extension
- 4 Conference center development
- 5 Completion of East Lane Piccadilly National Ave realignment
- 6 North End redevelopment

**INITIATIVES 2014:
SHORT-TERM ISSUES AND PROJECTS
Winchester, Virginia
December 2013**

DEPARTMENT: Economic Redevelopment

Please list issues or projects that you would like for the city to address this next year 2014.

- 1 Development of policies and procedures for Virginia Enterprise Zone
- 2 Management plan for Taylor Pavilion

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: Emergency Management

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- Ability to maintain a fiscal balance between core services and education.
- Ability to attract and retain qualified personnel from a long-term perspective.
- Lack of geographic area to support new development
- Understanding that the demographics of the city are changing creating a new and different dynamic within the community.
- Ability to deal with the unfunded mandates from the federal and state levels.

MANAGEMENT IN PROGRESS 2014 PROJECTS AND ISSUES Winchester, Virginia December 2013

DEPARTMENT: Emergency Management

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 Continuation and completion of radio communications program
 - 2 Revision, completion and adoption of Emergency Operations Plan including Emergency Support Function Annexes and other hazard specific annexes.
 - 3 Solidification of the Volunteer Organizations Active in Disasters within the region that are prepared to respond when needed.
 - 4 Create a more diverse understanding of Emergency Management's mission.
 - 5 Increase support for Emergency Management program.
 - 6 Continue to foster and increase regional projects and efforts.
 - 7 Completion of Professional Development Series.
 - 8 Continuation of Emergency Management Program
 - 9 Revisions and adoption of Emergency Operations Plan
 - 10 Completion of Communications Project
 - 11 Full implementation of Volunteer Organizations Active in Disasters
 - 12 Completion of Professional Development Series Training
 - 13 Continuation of Emergency Management Programs in light of additional mandates and increased workload.
- Crafting and implementation of Emergency Operations Plan Annexes
- Ability to address the needs of the community to insure a sufficient level of preparedness before a major event is encountered.

**INITIATIVES 2014:
SHORT-TERM ISSUES AND PROJECTS
Winchester, Virginia
December 2013**

DEPARTMENT: Emergency Management

Please list issues or projects that you would like for the city to address this next year 2014.

- 1 Increased involvement of staff and community in Emergency Management Program
- 2 Continuation and completion of Communication Project
- 3 Completion of Emergency Operations Plan (Basic) and initiate drafting of annexes.
- 4 Increased use of Social Media in Emergency Management Program
- 5 Increased support for Emergency Management program. .

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: Finance

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- Borrowing capacity
- Constraints regarding operating budgets; need for more revenues
- Health care changes

**MANAGEMENT IN PROGRESS 2014
PROJECTS AND ISSUES
Winchester, Virginia
December 2013**

DEPARTMENT: Finance

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 Working on the FY 2014 Comprehensive Annual Financial Report
- 2 Working on the FY 2015 City of Winchester budget
- 3 Work with Commissioner of the Revenue on the reassessment process to make that smooth and seamless for our customers.

**INITIATIVES 2014:
SHORT-TERM ISSUES AND PROJECTS
Winchester, Virginia
December 2013**

DEPARTMENT: Finance

Please list issues or projects that you would like for the city to address this next year 2014.

- 1 Increase revenues from taxes, fees, etc. Review all.
- 2 Continue to improve upon our budget document moving towards performance measures that forward Councils goals and objectives. Implement GFOA's comments.
- 3 Implement a more efficient payroll process, including time and attendance software

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: Fire and Rescue Department

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- Recruitment and retention of volunteers
- Increased requirements for responders.
- Continued development and redevelopment of the City.
- Increased call volumes and demands for services.
- Funding challenges
- Aging infrastructure and facilities
- Training Center replacement/update
- Staffing to meet NFPA 1710
- Keeping the volunteer fire companies viable
- Sustaining economic development and finding new tenants for vacated business property.
- Providing more opportunities for vocational education for students and citizens.
- Completing the implementation of the fire and rescue staffing plan by hiring of additional firefighters and increasing the number of active volunteers through recruitment and retention programs.

**MANAGEMENT IN PROGRESS 2014
PROJECTS AND ISSUES
Winchester, Virginia
December 2013**

DEPARTMENT: Fire and Rescue Department

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 SAFER Grant
- 2 Facilities Study Proposal Research
- 3 Active Volunteer Requirements
- 4 EMS Reporting Updates
- 5 Fire Reporting Updates
- 6 Volunteer Recruitment and Retention Program
- 7 Department Training Program
- 8 Apparatus Standardization and Funding Program
- 9 Communications System Upgrades
- 10 AFG Regional Grant for Training Center Updates.
- 11 Battalion Vehicle Replacement
- 12 Standardized Pre Plan and Map Books
- 13 Updating Personnel Development Plan
- 14 Fire Code and Permit Updates
- 15 Department Uniform Review

- 16 Working Fire Text Notification for Volunteers
- 17 Shawnee Fire Co. and HM6 Agreement
- 18 Dedicated Transfers for large incidents
- 19 Involvement in regional Incident Management Team
- 20 Various EMS grants to standardize and update equipment.
- 21 Involvement in various community events.
- 22 Scheduling winter Command and Leadership Seminar sponsored by WFRD.
- 23 Reviewing and updating various Emergency Operations Plans and SOP's etc.
- 24 Apple Blossom Festival Planning
- 25 Revision and expansion of WFRD Drivers Policy.
- 26 Continuation of Hose Load Standardization committees work.
- 27 Switching to High Performance CPR to improve cardiac arrest survival. The end goal is to have a higher number of patients resuscitated and discharged from the hospital neurologically intact.
- 28 Currently working on various grant sources for equipment and training in several areas.
- 29 Reassignment of personnel to facilitate incorporating the Haz-Mat Response Unit into the response assignment for leaks, spills and unknown spills.
- 30 Implementation of a new fire and ems reporting system that will meet the state and national reporting requirements. Another goal of this project is to reduce the amount of time units are out of service at the hospital completing reports.
- 31 Implementing a dedicated Rapid Intervention Team Company and a fire ground EMS rehab. Unit on all working fires in case there is a need to rescue firefighter operating in an environment that is immediately dangerous to life and health. Provide rehab. Services to protect our personnel and free up WFRD personnel for suppression activities.

INITIATIVES 2014: SHORT-TERM ISSUES AND PROJECTS Winchester, Virginia December 2013

DEPARTMENT: Fire and Rescue Department

Please list issues or projects that you would like for the city to address this next year 2014.

- 1 Reinstatement educational incentive
- 2 Compression of pay grades
- 3 Current Fire Training Center Status
- 4 Haz Mat Vehicle Storage
- 5 Volunteer Recruitment and Retention
- 6 Aging and diverse Apparatus Fleet
- 7 Aging and outdated Department Facilities and infrastructure.
- 8 Communications.
- 9 Continued development and redevelopment.
- 10 Increasing demand for services.
- 11 Declining volunteerism.
- 12 Economic Recovery
- 13 Aging City Infrastructure
- 14 Review of Department and Mutual Aid Response Assignments

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: Human Resources

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- High cost of employee health care/other benefits
- Federal/State health care legislation; political outcomes/elections
- Economic issues; Employee Pay/Retaining & Rewarding the best employees
- Skill issues; large number of Baby Boomers leaving the workforce
- Training Opportunities; e-Learning; Impact/Breadth of Topics;
- Expanding use of technology; Time & Attendance & Scheduling Software
- Succession; Developing the next generation of leaders
- Legal exposure; limiting the City exposure to various claims and complaints

**MANAGEMENT IN PROGRESS 2014
PROJECTS AND ISSUES
Winchester, Virginia
December 2013**

DEPARTMENT: Human Resources

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 Time & Attendance Software (City wide system) – RFP ready to be launched
- 2 Transferring the payroll function to the Finance department
- 3 Transferring the PIO & FOIA function to the City Manager department
- 4 Hiring a Human Resource Director and Assistant Human Resource Director
- 5 Continue to use scanning technology for efficiency

**INITIATIVES 2014:
SHORT-TERM ISSUES AND PROJECTS
Winchester, Virginia
December 2013**

DEPARTMENT: Human Resources

Please list issues or projects that you would like for the city to address this next year 2014.

- 1 Organize departments to create, reward and retain leaders for succession planning and performance.
- 2 Establish impactful and continuous a training program common to all employees, to supervisors, and to executive leadership.
- 3 Update language within the Comprehensive Employee Management System (CEMS), i.e. better define Social Media policy, improve language regarding Hours Worked/Overtime, expand leave policy to define excused/unexcused leave, etc.
- 4 Institute paid time off (PTO) policy for all employees.

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: Information Technology

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- Implementation of mobile devices to provide staff connectivity from the field
- Allow employees to use personal devices (as opposed to City owned devices) on the City network.
- Ensuring senior citizens can still use City resources while those resources are made available electronically.
- Selecting the right strategy to provide desktop access to computing resources (physical hardware, tablet, laptop, virtual).
- Continued funding for technology.
- Explosion of mobile applications and devices to use Apps. The wide variety of devices, each with their own idiosyncrasies, makes support of applications difficult.

MANAGEMENT IN PROGRESS 2014 PROJECTS AND ISSUES Winchester, Virginia December 2013

DEPARTMENT: Information Technology

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 IBM Server security, Single Sign On and increased password complexity.
- 2 Web Enablement of SunGard enterprise software applications
- 3 Field Device wireless access to selected SunGard applications (Work Orders and Code Enforcement
- 4 Expansion of Document Imaging.
- 5 Policies and Procedure development
- 6 Wide Area Network and Internet Service Provider Request for Proposals
- 7 Network Improvement Action Plan. (Migrate VPN services from Schools, Always on VPN for selected remote locations.
- 8 Develop technology training plan with new HR Director
- 9 Treasurer and Commissioner of Revenue needs assessment for commercial off the shelf Personal Property Tax software application.
- 10 Expansion of mobile device management to additional mobile users.
- 11 Timbrook Public Safety Center server virtualization.
- 12 Computer Hardware grading and year 2 of hardware refresh.

**INITIATIVES 2014:
SHORT-TERM ISSUES AND PROJECTS
Winchester, Virginia
December 2013**

DEPARTMENT: Information Technology

Please list issues or projects that you would like for the city to address this next year 2014.

- 1 Develop a physical location to support employee training including on-line training and software to track required and attended training events.
- 2 Business process analysis to streamline processes, simplify citizen interaction. Improve automation where feasible.
- 3 Restore employee wellness program.
- 4 Fund tuition assistance

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: Old Town Winchester

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- Poverty
- Homelessness
- Drug Addiction
- Poorly Educated Workforce
- Schools not changing to meet changing demographics
- Improving entrance corridors surrounding the downtown
- Encouraging more private investment in property in the downtown
- Attracting more tourists and day trippers from the D.C. Metro area
- Government structure not changing along with changing needs of the city
- Continuing to attract more mixed use development with first floor retail.
- Parking Management - ensuring there is sufficient parking in garages available to accommodate event attendees and customers as well as residents and visitors.

**MANAGEMENT IN PROGRESS 2014
PROJECTS AND ISSUES
Winchester, Virginia
December 2013**

DEPARTMENT: Old Town Winchester

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 Special Events – planning, conducting evaluating
- 2 Branding Campaign
- 3 Art Public Policy
- 4 Downtown Decorations
- 5 Welcome Center Features
- 6 Wayfinding Signage
- 7 Street Performer Licensing
- 8 Art District Incentives
- 9 Farmers' Market

**INITIATIVES 2014:
SHORT-TERM ISSUES AND PROJECTS
Winchester, Virginia
December 2013**

DEPARTMENT: Old Town Winchester

Please list issues or projects that you would like for the city to address this next year 2014.

- 1 Establishment of a City Special Events Coordinator to develop a coordinated approach to events as they impact numerous departments.
- 2 Continued Revitalization of Historic Old Town
- 3 Increased tourism efforts
- 4 Begin many of the projects listed under the 5 year projects.

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: Winchester Parking Authority

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- **Parking Garage Projections** – the Authority has developed a parking garage projections worksheet that illustrates revenue, expenses, capital improvement projects, city support, debt of the George Washington Autopark and fund balance through FY 2017. The projections also depict the necessary rate increases for each fiscal year. According to our projections, it is expected the rates by FY 2017 will be \$67 undercover and \$60 on the roof. The Authority is concerned that the market may not be able to stand such increases and may adversely affect our usage numbers and may also impact the downtown goal.
- **Four Garages** – The garages are open 24/7, 365 days a year. As downtown hosts more events, nightlife and residential living there are concerns about safety especially nights and weekends. The police do patrol the autoparks but it would be prudent to have another “Frank” downtown to monitor the downtown area including the parking garages and parking lots during nights and weekends. We experience nights and weekends: vandalism, people sleeping in the stairwells, people urinating/defecating in the garages, etc. We have approximately 100 cameras located in the garages but they do not deter all such activities.
- **Garage Operations** – Currently, the garages operate by space numbers for monthly parkers instead of by capacity. This is a challenge to guarantee their space as we are open 24/7 but not staffed 24/7. Staff routinely receives calls that someone is parked in their rented space or that a monthly parker is parking on the ground floor instead of their assigned space. The Authority is concerned with maximizing the usage of the parking facilities at an affordable price. The global parking committee is currently studying this aspect of garage operations.
- **Public Perception** – Staff always gets asked the following question: “why do I have to pay for parking?” The public perception seems that the Authority should offer free parking. The Authority was created in 1964 to provide public parking for a fee. The Authority operates solely on its revenues generated from parking ranging from the parking meters, meter fines, hourly and monthly parkers in the garages. We receive daily complaints about the costs of parking.

**MANAGEMENT IN PROGRESS 2014
PROJECTS AND ISSUES
Winchester, Virginia
December 2013**

DEPARTMENT: Winchester Parking Authority

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 Received funding for capital maintenance needs. Have begun working with BRD on developing technical specifications and drawings in preparation to bid out construction work.
- 2 Continue meeting deadlines as outlined on maintenance workplan
- 3 Continue meeting regularly with global parking committee
- 4 Continue to align expenses/revenues with projections worksheet
- 5 Continue working towards launching credit card on file for monthly parkers (currently under test mode before system is launched)
- 6 Continue to work towards launching a debit card program for hourly customers
- 7 Routing current camera system at all garages to our main office at GW AP
- 8 Conducting study for George Washington Hotel for their customers to be able to more efficiently enter/exit our facilities through the use of automation systems

**INITIATIVES 2014:
SHORT-TERM ISSUES AND PROJECTS
Winchester, Virginia
December 2013**

DEPARTMENT: Winchester Parking Authority

Please list issues or projects that you would like for the city to address this next year 2014.

- 1 Launch credit card on file for monthly parkers
- 2 Launch debit card program for hourly customers
- 3 Complete routing current camera system at all garages to main office at GW AP
- 4 Continue to provide adequate parking that is safe, convenient, clean and close – Authority's mission
- 5 Continue to address maintenance items at garages

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: Parks and Recreation

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- Creating a More Livable City for All
- Social Sustainability
- Funding
- Food Insecurity
- Human Resources – increase in staff
- Expanding the Box- Deprogramming staff – changing mind set
- Killing the Old Paradigm – hierarchy vs. communal circle, patriarchy vs. equality, bureaucracy vs. efficiency, ego/power/control vs. inspiration and creativity, materialism vs. spirituality and quantitative analysis vs. instinct. NEED BALANCE
- Common-Unity vs. Haves and Have Nots
- Radiation
- Contamination
- New Economy
- Diaspora
- Child Care
- Protecting Vets
- Helping Disenfranchised.

MANAGEMENT IN PROGRESS 2014 PROJECTS AND ISSUES Winchester, Virginia December 2013

DEPARTMENT: Parks and Recreation

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 Prepping for the Best World Series Ever (in the history of the world)
- 2 Bermuda Grass Fields- Outside Contractor or Internal Maintenance – People and Equipment
- 3 Field Maintenance Plan Timeline for all playing surfaces in park system
- 4 Aquatics Facelift – schedule, programs, staff
- 5 ADA Bridgeforth Stadium Work (Sidewalks, Dugouts, Bathrooms, Ticket Booth and Souvenir Stand)
- 6 Winchester Parks and Recreation Needs Assessment
- 7 Community Garden Pilot Program at Frederick Douglass Park
- 8 Artificial Turf at Bridgeforth Stadium
- 9 McCormac Amphitheatre
- 10 Disgruntled User Groups
- 11 Community Recreation Programming and Fees
- 12 Instituting New Field Renovation and Building Model
- 13 Department Marketing Plan
- 14 Pipes and Infrastructure in the Park
- 15 Change in Gym Schedule

- 16 Change Preston Field Schedule
- 17 Institute Internal Trolley use
- 18 Partnership w/ Old Town on Special Events
- 19 Internal Facility Upgrades at Park Maintenance Facility
- 20 Storage at Park Maintenance
- 21 Shelter Upgrades
- 22 Jim Barnett Park Beautification (beds and plantings) sign, building material and color palate uniformity
- 23 Coping with Department Restructure
- 24 Developing Partnerships – Discovery Museum, Handley Library and Blandy Farm

INITIATIVES 2014: SHORT-TERM ISSUES AND PROJECTS Winchester, Virginia December 2013

DEPARTMENT: Parks and Recreation

Please list issues or projects that you would like for the city to address this next year 2014.

- 1 Accessible Pathways and trails
- 2 Funding for artificial turf at Bridgeforth Stadium
- 3 Skate Pavilion Fund Raising
- 4 Sponsorship for World Series
- 5 Addressing Field Conditions at JBP
- 6 Equipment to Maintain our own Fields and Parks – reel mower, double slit spreader, core aerifier, thatcher, sod bank, etc.
- 7 Community Garden Implementation at four parks and Community Cannery at FDP
- 8 Training for Park Maintenance- Turf, Bermuda Grass, pesticides, fertilizer apps.
- 9 Tuition Assistance and Staff Development for Recreation Staff
- 10 More full-time Park maintenance staff to appropriately maintain 270 acres of park land. 3 full-time plus one horticulturist.
- 11 Development of Frederick Douglass Park as a fully operational park and community center. (Soccer/lacrosse/softball/outdoor fitness center/trails, outside restrooms, community garden, free little library, Picnic area and lights.)
- 12 New Soccer/Lacrosse/Rugby and Softball fields spread across Weaver, Whittier, FDP and Friendship
- 13 Needs Assessment Completion

- 14 Community Recreation Program Brochure 3 times a year.
- 15 JBP Beautification to include uniformity in signage, building material, color palate, flowerbeds and plantings, etc.)
- 16 On-line participant registration for WebTrac
- 17 Outside restroom in 4 parks – Weaver, Whittier, FDP, and Friendship
- 18 Rental Space at YDC for Senior Programming and Middle School Afterschool
- 19 Storage space for equipment at PM
- 20 Upgrade to work space at Park Maintenance to include heat.

DEPARTMENTAL SUCCESSES 2013

Winchester, Virginia

December 2013

DEPARTMENT: Planning

Please list your department's most important achievements that were completed during 2013 under "Success." Under "Impacts", please explain what the benefits to the city and to a resident were as a result of each achievement.

Success: Berryville Avenue Corridor Enhancement District Rezoning

Impacts: Implemented key gateway enhancement tool as called out as Policy Agenda Action item#2 under Goal 4 of the Strategic Plan to Create a More Livable City for All. From this point forward, design standards and guidelines will be used to incrementally create an attractive entryway for tourists entering the City from Rte 7 and from I-81 via Exit 315.

Success: National Historic District Amendment

Impacts: Successfully secured Certified Local Government (CLG) funds to pursue documentation and mapping supporting a change to the Period of Significance (POS) for the existing Winchester National Historic District. The change will benefit owners of structures that were built subsequent to 1929 but no later than 1964. Redevelopers of these properties will be able to utilize State and Federal historic preservation tax credits of up to 45%.

Success: Green Circle Trail- Town Run Linear Park, Phase II

Impacts: Worked with consultant to establish multimodal trail alignment through difficult terrain connecting existing terminus of Green Circle Trail at E. Pall Mall St through Town Run canyon to connect at north end with easternmost stub of E. Cecil Street in the S. Kent St area of Old Town.

Success: Jubal Square, Bottling Works and Cedar Creek Place Planned Development Rezoning

Impacts: Worked with private-sector developers to prepare development plans for multifamily developments of 140, 18, and 132 apartment units respectively that will provide unmet demand for high-quality rental housing serving young professionals, college students, and empty nesters as called out in the adopted Comprehensive Plan.

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: Planning

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- Competition with Frederick Co for retail, residential, and office development
- Continued loss of taxable real estate to tax-exempt status
- Balancing Preservation and Development
- Corridor appearance (signage, landscaping, overhead utilities, land uses)
- Completion of the Green Circle Trail
- Becoming too much of a center for Dependent Population
- Balancing Nightlife/Entertainment with Residential use downtown
- Improving the Educational Attainment levels of City adults
- Expanding Public Transit and alternative modes of transportation
- Stormwater Management and Chesapeake Bay Act compliance
- Neighborhood Revitalization and Stabilization
- Code Compliance/Enforcement for Substandard (but not 'Blighted') property
- Increasing local wages and income
- Funding overdue capital projects such as schools, drainage, and sidewalks

MANAGEMENT IN PROGRESS 2014 PROJECTS AND ISSUES Winchester, Virginia December 2013

DEPARTMENT: Planning

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 Historic District Survey- Amendment to Existing District Period of Significance
- 2 Development Review- Rezoning, CUP's, site plans, subdivisions, street vacations
- 3 Green Circle Trail
- 4 Millwood Avenue Project
- 5 MPO Long-range Transportation Plan Model Update
- 6 Downtown Housing Opportunity analyses- Investigating multifamily and mixed use possibilities on downtown properties
- 7 Zoning Text Amendment- Assist Zoning Administrator with Signage provisions
- 8 Zoning Ordinance Rewrite- Assist Zoning Administrator with major rewrite
- 9 Discovery Museum Pocket Park/Indian Alley Realignment
- 10 John Kerr Elementary School PPEA- Impact Review of two proposals
- 11 CLG Civil War Interpretive Signage grant administration
- 12 MPO South Winchester Area Study
- 13 Publicly-owned Property Inventory & Map

INITIATIVES 2014: SHORT-TERM ISSUES AND PROJECTS Winchester, Virginia December 2013

DEPARTMENT: Planning

Please list issues or projects that you would like for the city to address this next year 2014.

- 1 Corridor Enhancement District implementation- additional rezoning such as Millwood Ave, National Avenue, and/or Fairmont Ave
- 2 CLG funding for grant to pursue Expansion of National Historic District
- 3 John Kerr Elementary School Subdivisions and Site Plans (and Rezoning, if needed)
- 4 Interpretive Signage for Taylor Hotel
- 5 Board of Architectural Review staffing and support
- 6 Citizen Satisfaction Survey (every 3 years- 2008, 2011, 2014)
- 7 City Planning Department webpage update and enhancements
- 8 Assist Parks & Recreation Dept with Needs Assessment
- 9 North City Neighborhood Park Opportunities
- 10 Green Circle Trail expansion

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: Police

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- The tax base will remain constrained due to lack of room to expand and build.
- Public Safety communications
- Training and succession planning. Department heads are being replaced from outside indicating lack of succession planning.
- Building Security. Our city buildings remain very open and unsecure despite national trend in active shooter.
- Mental Health issues. On average, the Police Department has to deal with a person suffering from mental illness and requiring emergency evaluation every other day. This is a tremendous drain on manpower since each incident can takes a minimum of 2 hours.
- The community is very have and have not. Within a matter of a few 100 feet the median income can jump \$30,000. Social services are not being provided to keep up with the issues of drug abuse, teen pregnancy, mental health and poverty.
- Salary issues. The city compensation system does not compensate employees for experience on the job. This leads to salary compression between ranks and disincentive to seek positions of greater responsibility.

**MANAGEMENT IN PROGRESS 2014
PROJECTS AND ISSUES
Winchester, Virginia
December 2013**

DEPARTMENT: Police

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 Public Safety Communication
- 2 Active Shooter training
- 3 Equipment and uniforms including: SWAT truck, personal body cameras, support clothing to provide a cooler ballistic vest carrier and reduce weights on officer's gun belts, thus alleviating back strain.
- 4 Paperless reporting

**INITIATIVES 2014:
SHORT-TERM ISSUES AND PROJECTS
Winchester, Virginia
December 2013**

DEPARTMENT: Police

Please list issues or projects that you would like for the city to address this next year 2014.

- 1 Active Shooter training
- 2 Building Security
- 3 Public Safety Communications
- 4 Computer upgrades for mobile policing
- 5 Computer based Emergency Medical Dispatch for ECC.
- 6 Upgrades to WPD assembly room.
- 7 Develop a new system for testing PO applicants

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: Public Services

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- Funding to continue current program of infrastructure replacements (utility lines, stormwater, sidewalks, paving, etc.). Part of this includes looking at trying to reduce the annual transfer from Utilities to the General Fund.
- Competitive employee salaries
- Equipment replacement
- Construction of a new Public Services Maintenance Facility

**MANAGEMENT IN PROGRESS 2014
PROJECTS AND ISSUES
Winchester, Virginia
December 2013**

DEPARTMENT: Public Services

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 S. Loudoun/Abrams Creek Drainage Project
- 2 Green Circle Trail Phase II
- 3 Citywide Sidewalk Improvements – Phase II
- 4 Monticello Extension
- 5 Hope Drive Extension
- 6 Tevis Street Extension
- 7 Valley Avenue Sidewalk/Drainage Improvements
- 8 Realignment of National/Piccadilly/East Lane
- 9 Nester Drive Extension (John Kerr School)
- 10 Meadow Branch Extension
- 11 Millwood Avenue Improvements (with SU)
- 12 New Public Services Maintenance Facility
- 13 Proposed Stormwater Utility
- 14 Consideration of New Utility Billing System and ability for customers to access their utility account online.

**INITIATIVES 2014:
SHORT-TERM ISSUES AND PROJECTS
Winchester, Virginia
December 2013**

DEPARTMENT: Public Services

Please list issues or projects that you would like for the city to address this next year 2014.

- 1 Employee salaries – look at internal and external equity
- 2 Electronic timesheets

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: Winchester City Sheriff's Office

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- Moving a larger portion of the Capital Expenditure dollar away from plant and road projects. Ear mark these monies for the following projects
- Supplement monies as needed to complete the renovation of the Joint Judicial Center. Ensuring a timely and effective rehabilitation of the building and its services. This will be the fourth space study in the past seven years. The building is still 85,412 square feet (+/-) and the exterior walls are the same. Structurally we can't build up nor out to any extent. The Cameron Street lot must remain a parking area. Therefore there has to be a hard line on the use of space and occupancy. It won't get any cheaper than now!
- Upgrade the entire phone system in every city building and facility. Include total voice mail and message systems. Provide an active phone extension for all employees working within a city building.
- Enhance the five (5) year I/T plan by ensuring adequate emergency notification software availability on every desktop (P/C). City Wide emergency notifications and emergency up dates should be available to every workstation. A program should be available on every desktop that gives instant access to contact numbers for all emergency services and city employees. This service should be extended to all employee "hand held devices".
- Assign a select group of employees to rewrite the CEMS manual. The manual currently encompasses about 150 pages more or less. There is both status and procedural information in the manual that is out dated or in error due to changes in addresses, phone numbers or agencies. Every employee should have access to every page of the manual. The easiest way to do that is on line of course. Currently, if an employee goes to a site such as <http://internal.winchester.va.gov>, the manual can be reviewed. But not in its entirety. Rewriting the CEMS is not an easy task and by the time it is done, something has changed. The remedy for that is to develop a source and process by which changes can be made and forwarded to city employees immediately.

- The next five years will see at least a 40% increase in needed services within the JJC. No office or agency within the building is immune from this. Even the Virginia Supreme Court recognizes this and constantly urges action to be ready for the inevitable. The JJC for the last four years has been the busiest Courthouse in the 26th Judicial District. It handled over 80,000 cases last year. And operated better than 65% of its workdays in over time status. The Sheriff's Office workload has grown better than 13.5% a year for the last 6 years. Yet our workforce has only grown by about 3% in the same time period. We must always be aware that the courts often have rooms filled beyond Fire Code capacity. And that in the event of an evacuation we must have sufficient personnel to assist in the exit of citizens through controlled access areas to the ground floor and out. This is an evacuation nightmare and a security hazard at the same time. Even in regular duty status we must scramble to cover the courts. Do we do it? Absolutely! Where do we get the manpower now? We rob Peter to pay Paul. Our civil process service to the courts and citizens suffers greatly. We must bring in civil process deputies from the road to cover the courts. We are to the point where we have no more deputies to "bring in".
- Hand in hand with this short fall of manpower is our service to the judiciary. Many of the papers that we serve are generated by the Clerks Offices and the Judges. Timeliness of service is crucial. When we are totally committed to the Courthouse, we can't serve those papers. The most direct and economical answer to these two issues is the hiring of two full time personnel to cover fixed security posts within the JJC.
- Mentioned under Successes 2013 is our effort to complete our VLEPSC Certification. It is a process that needs to be actively pursued every day. At our present manpower level that is impossible to do. Along with that process, is the need to complete twenty-six (26) other security functions every day that the JJC is open? There is often no manpower to pick from, to complete these other tasks. The addition of the two positions noted above would release other deputies to perform the needed task(s).

MANAGEMENT IN PROGRESS 2014 PROJECTS AND ISSUES Winchester, Virginia December 2013

DEPARTMENT: Winchester City Sheriff's Office

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 2013 Captured Funds Grant. This year is the first time that such a grant has been presented to Virginia Law Enforcement Agencies. Drawing on captured funds from State and Federal Agencies, law enforcement has been able to apply for project(s) money with no knowledge of the actual statewide amounts available. The program is overseen by the Commonwealth's Attorney General's Office. Our submission has asked for funds to replace four pieces of security equipment. The A/G has approved our grant but due to the recent Federal Government Sequestration period we are on hold for a fund date.
- 2 The Joint Judicial Center (JJC) is scheduled for renovation. Space Studies have been completed and all occupants are awaiting costs and results. Unlike any other tenant in the building, the Sheriff's Office must be concerned with all changes in order develop the best security plan for ALL building occupants. The Sheriff needs to be kept abreast of all ideas and plans in order to facilitate the appropriate safety and security plans as the project moves forward.
- 3 The city wide Emergency Communications plan affects every City department. The future P25 initiative is critical to Fire/Rescue, Sheriff and Police. The direct effect on the Sheriff's Office is that of communications placement within the JJC. The Sheriff has never had the appropriate complement of portable communications devices. For the time being we have put some alternative communications on hold until the P25 system arrives. For the JJC the P25 system means better security and life saving abilities. We do not have the funding to take any other direction at this time.
- 4 The Sheriff's Office is maintaining its Evacuation Plan for the JJC. Such plans require practice on a yearly basis. By the nature of the event, JJC personnel cannot put the plan to practice during workdays. As such, funding and cooperation is required in order for every office to be fully represented on a given Saturday. The exercise would be composed of approximately 179 employees and judicial staff.

- 5 JJC signage. Over the past 25 years the JJC has undergone dozens of tenant changes and internal wall modifications. As with any Judicial Center, the lines between public and secure areas are well defined. By design, public egress is generally limited to the Cameron and Kent Street entrances. The design was probably adequate in 1984. It is not now! Our daily flow of citizens and employees often exceeds 2,000 people. Many moving about freely and many as well in courtrooms and behind closed doors. We mentioned above, the Evacuation Plan. Getting people in to the building is not a problem. Getting them out is the issue. The Evacuation Plans call for directional demarcation throughout the building. All color coded and some luminescent markings.

Properly installed and maintained, the system will retain its value indefinitely.

- 6 The Sheriff's Office has made strides in upgrading its fleet. We continue to search for grant monies that will allow the purchase of at least one motorcycle. The mission for the unit has not changed. The two primary purposes would be Civil Paper service and a more agile patrol unit for events throughout the city.
- 7 Field Training Program (FTO). Consistent with our effort to receive VLEPSC Accreditation is the need for an active FTO program. The Matrix for the program has been designed and drafted. Deputies have been earmarked to begin the writing of the various program sections. We need to continue to move forward by finding the funding necessary to send the identified FTO deputies to the appropriate schools.
- 8 Consistent equipment levels. We equip all of our deputies comparably. This is critical for the assurance their survival in volatile situations. As our workload grows, so does the need for quality safe transportation for each deputy. Our inspection programs insure the consistency of the vehicles and their operability. Stocking the vehicles themselves with the right emergency equipment is another matter. Any deputy that rushes to any car in an emergency should expect to be able to retrieve the needed gear no matter which vehicle he or she goes to. As you can imagine, most of that equipment is expendable and perishable. As such it becomes costly to furnish each vehicle. A short list of such gear follows. Leg irons, hand cuffs, ante spit hoods, safety vests, flairs, rain coats, chalk, measuring equipment, fire extinguishers, extra ammunition, spare batteries, portable flood light, hazmat gear, first aid kit(s), defensive ballistic shields and thermal blankets. The costs for equipping each vehicle can run as high as \$2,000.00 a cruiser. The cost of not having the equipment can be much higher.

- 9 Computer equipment. The Sheriff's Office has received some excellent benefits this year from I/Ts five-year plan. Coming together this year has also been the start of planning and research for capital improvements to the JJC. The Sheriff's Office occupies the area in the basement of the old EOC. The deputy's area needs to have improvements in lighting, ventilation and technology. The technology improvements would include Cat 5 wiring and computer stations for the deputies writing reports. We have eight to thirteen deputies who write reports, handle evidence and do civil returns in that area. **They have the use of one computer.** Their supervisor has no computer. The addition of eight (8) P/Cs would handle the exiting needs and be sufficient for the next eight to ten years. The supervisor's P/C should have inquiry access to "Virginia State Courts" and contain a viable software package, including scheduling protocols.

- 10 Increase in full time workforce. The Sheriff is responsible for all safety and security issues. Manpower assignments are directed at these issues every day. The JJC has two entrance/exit locations. Those doors are manned by WCSO deputies and equipped with walk-thru metal detectors and x-ray machines. We man those posts with part time deputies 95% of the time. Our full time staff is overwhelmed with duties in the courts and completing civil process tasks. We are at maximum full time staff by statute. Any full time positions that we need would have to be financed by the city. Filling the noted posts with part time people in of itself is very difficult. The part time people we use are sworn and fully qualified. The issue is that we have to schedule for these posts in the same manner that you fill a 24 hr post. And that is, 3.75 people for every 24 hrs. This is caused partially because our part time people work at the NRADC full time and we often have to have two scheduled per post to fill the 8.5 hr slot. We need to establish fixed schedules at those two posts just as we do for the rest of our assignments. An issue that could be resolved with the hiring of two more full time deputies.

INITIATIVES 2014: SHORT-TERM ISSUES AND PROJECTS Winchester, Virginia December 2013

DEPARTMENT: Winchester City Sheriff's Office

Please list issues or projects that you would like for the city to address this next year 2014.

- 1 The JJC. Make the east and west entrances of the courthouse ADA compliant.
- 2 Support the Sheriff's Office involvement in all phases of the JJC renovation project
- 3 Provide audio visual aids for the Sheriff's Assembly room.
- 4 Authorize the City's Grant Writer to research and assist with the procurement of at least one motorcycle unit.
- 5 Develop and produce a "City News Line" to supplement the CityE-News. Not all city employees have access to computers.
- 6 Completion of the P25 Communications Project is paramount for the safety of the cities citizens and the emergency personnel that have to respond to events. The Federal Government has mandated the program. It may not be timely but it is crucial that we provide our emergency services personnel with the tools to do the job that the citizens ask of us.
- 7 Find the funding to hire two more full time deputies for the WCSO. Projecting a starting salary of \$15.00 per deputy. The total budget cost for one year would be \$86,368.00 for two deputies. This includes a 22% benefits package and a \$5,100.00 Health package per deputy.
- 8 Budget the funding to pay city employees their salary for one half days pay once a year to participate in Evacuation Drills at the JJC. Develop an MOU with the State Courts to fund the participation of JJC employees paid by the state.
- 9 Create a Line Item in the budget to fund initial and disposable equipment for use in the WCSO vehicle fleet. Estimated start up costs for such a Line Item would be approximately \$28,000.00

- 10 Establish funding for the purchase a small commercial refrigerator to store perishable evidence. Obtain funding for the purchase of an evidence cabinet. Sheriff's deputies obtain and process about 150 evidence items a year.
- 11 Enhancement of the existing DX8100 camera system in the JJC. By installing an inexpensive laptop and monitor in room 2C of the JJC. This area is the WCSO fingerprint room. The monitor would be used to observe the cellblocks and courtrooms within the JJC. That area is the center of courthouse activity and would allow for a more knowledgeable response to events in the courtrooms and cell blocks. In addition, another monitor (no CPU) should be installed in the office of the Court Security Supervisor.

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: **Social Services**

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- Increase in those applying for Supplemental Nutritional Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and Medicaid services for FY 2013. Unduplicated client count of 9,849 for FY 2013.
- Number of City residents living below the poverty level (18% U.S. Census, Small Area Income Poverty Estimate-SAIPE).
- Number of children living below the poverty level (24% U.S. Census, SAIPE).
- Implementation of the Affordable Care Act over three-year period. In October 2013, VaCMS was implemented to automate Children and Families Medicaid. Flaws in system creating increased processing time and increase frustrations of staff.
- Potential impact of Medicaid reform if elected by State of Virginia.
- Significant substance abuse issues as evidenced by: Increase number of referrals of substance exposed infants, number of referrals with caregivers with substance abuse issues, significant number of child removals related to substance abuse issue.
- Increase in referrals of child maltreatment involving caregivers who use heroine.
- Decreasing Medicaid providers due to complex Medicaid regulations, Medicaid reimbursement rates, and timeliness of reimbursements
- Changes by the Office of Comprehensive Services to the policies for at risk youth accessing key behavioral health services—Intensive In Home Services, Therapeutic Day Treatment, and Mental Health Support.
- Virginia Department of Social Services remanding FAMIS health insurance to the locality resulting in increased caseloads. No additional funding provided.
- Lack of available mental health support for indigent/uninsured. Observed decrease in services offered by the Community Services Board.

- Potential impact of Sequestration on the funding of core agency programming.
- Housing Choice Program—decrease in program revenue to due decrease in the administrative fee and decrease in the leasing rate.
- No increase in State funding to meet the needs of increasing caseloads (no increase to administrative budget line).
- Planned retirement in two critical Social Services positions.
- Increase in caseloads and applications due to Affordable Care Act requirements
- New data system, VaCMS, for the management of Medicaid applications is not fully functional resulting in taking longer to process applications. Benefit Programs staff currently working from three databases that do not communicate with each other.
- Lack of staff training provided by the Virginia Department of Social Services on the Affordable Care Act, new data system (VaCMS), and changes in policy/practice
- Decrease in Comprehensive Services Act funds by the Office of Comprehensive Service.
- Increase risk of financial penalties for the City of Winchester for worker error.

MANAGEMENT IN PROGRESS 2014 PROJECTS AND ISSUES Winchester, Virginia December 2013

DEPARTMENT: Social Services

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 Implementation of CommonHelp—web based application for the application of benefits.
- 2 Implementation of the Affordable Care Act—Transition period of three years with programmatic and database systems changes (VaCMS).
- 3 Succession planning for critical positions.
- 4 Transitioning to a data-outcome driven management.
- 5 Implementation of Internal Revenue Requirements for the protection of client information.
- 6 Hiring of a Comprehensive Service Act Coordinator.
- 7 Compliance with the Comprehensive Services Act and completing corrective action planning; Implementation of CPMT Strategic Plan.
- 8 Re-evaluation of agency emergency management plan. Strengthening relationship with Emergency Management Coordinator and the American Red Cross. Completing Winchester Social Services Emergency Sheltering Handbook.
- 9 Creation of a new employee orientation program.
- 10 Strengthening cooperation and collaboration between the Winchester Police Department and the Department of Social Services to improve the joint investigation of child maltreatment.
- 11 Completion of a customer satisfaction survey.
- 12 Evaluation and narration of internal finance procedures and practices for training of staff and decreasing financial risks.

**INITIATIVES 2014:
SHORT-TERM ISSUES AND PROJECTS
Winchester, Virginia
December 2013**

DEPARTMENT: Social Services

Please list issues or projects that you would like for the city to address this next year 2014.

- 1 Support Winchester Social Services Strategic Planning.
- 2 Increase communication and cross training between City Departments.
- 3 Evaluation of employee salaries and compression.
- 4 Implement training program for supervisors.
- 5 Exploration of employee morale and retention opportunities.
- 6 Evaluate Employee Wellness Programming.
- 7 Evaluate current employee performance tool.
- 8 Formalized training for Boards on FOIA.
- 9 Evaluation of the new employee hiring process to minimize delay.
- 10 Exploration of unmet community needs related to substance abuse and mental health issues.
- 11 Consider the possible need for additional administrative supports for the Department of Social Services.

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: Winchester-Frederick County Convention & Visitors Bureau (Tourism)

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- Establishing and maintaining goodwill with the citizens of Winchester.
- Continuing the advancement of technology in the workplace.
- Keeping the area safe for citizens and visitors alike.
- Keeping the infrastructure in good shape, and the roads capable of handling growing traffic needs.
- Ensuring that citizens remain friendly and welcoming to visitors.
- Addressing unemployment and creating jobs.
- Continuing development of new tourism product, always having 'something new' to promote.
- Addressing employee morale & retaining great staff at all levels.

MANAGEMENT IN PROGRESS 2014 PROJECTS AND ISSUES Winchester, Virginia December 2013

DEPARTMENT: Winchester-Frederick County Convention & Visitors Bureau (Tourism)

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 We are in the process of developing a 6-8 minute video that will highlight the history of Winchester-Frederick County, highlight and promote outdoor activities, Old Town Winchester, the communities of Stephens City & Middletown, shopping experiences, dining, recreation and the culture of our area.
- 2 We are also in the process of developing B roll, and a 30 second commercial suitable for running on any broadcast television facility.
- 3 We continue to work on the development of a great library of professional photos.
- 4 We are in the process of creating a Geocache tour that will introduce geocaches to our historical attractions. We are also assisting with the development of a geocache tour that will feature Civil War Trail signs in Winchester-Frederick County.
- 5 We are examining the probability of developing an interactive tour of Winchester-Frederick County points of interest and attractions through the use of a mobile app.
- 6 We are in the process of determining the level of interest our hospitality partners have in engaging their frontline personnel in a FAM tour that we will design and conduct for them in the spring of 2014.
- 7 We are in the early stages of producing the official 2014 Winchester-Frederick County Visitors Guide.
- 8 We are in the process of preparing for AAA Superbowl of Knowledge Marketplace in Greensboro, NC.

**INITIATIVES 2014:
SHORT-TERM ISSUES AND PROJECTS
Winchester, Virginia
December 2013**

DEPARTMENT: Winchester-Frederick County Convention & Visitors Bureau (Tourism)

Please list issues or projects that you would like for the city to address this next year 2014.

- 1 Please ensure that the highway signage/Wayfaring signs properly & adequately direct visitors, entering Winchester from all major routes 7/11/50/522/81, to the Winchester-Frederick County Visitors Center. (We have recently had complaints regarding the lack of signage.)
- 2 Completion of the Green Circle Trail.
- 3 Maintenance of the trails, after they are completed.
- 4 Continue to quietly address the geese issue.
- 5 Update Cems, and bring back tuition assistance for our employees.

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: Treasurer

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- Ability to reference and pay taxes on line
- Increase Tax Revenue
- Information Technology Improvements

**MANAGEMENT IN PROGRESS 2014
PROJECTS AND ISSUES
Winchester, Virginia
December 2013**

DEPARTMENT: Treasurer

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 Continue to work on Real Estate and may enter into a Contract with the selling of Real Estate that is passed 2 years delinquent
- 2 Will be working with and training a New City Treasurer effective January 1st, 2014
- 3 Year End Audit for June 30th, 2013
- 4 License Fees. Elimination of license fee for every year. Process one license fee upon purchase and change PP rate to offset revenue fees. Discussion stage with Commissioner of the Revenue
- 6 Develop future plan for Personal Property application with the Commissioner of the Revenue

**INITIATIVES 2014:
SHORT-TERM ISSUES AND PROJECTS
Winchester, Virginia
December 2013**

DEPARTMENT: Treasurer

Please list issues or projects that you would like for the city to address this next year 2014.

- 1 Would like for our citizens to be able to look up their Real Estate accounts for Inquiry purposes.
- 2 Downloading the Dog License Renewal letters to BMS and having them sent out as a bulk mailing.
- 3 Enhance Tourism through Events

MAJOR CHALLENGES

Winchester, Virginia

December 2013

DEPARTMENT: Zoning and Inspections

From your department's perspective, what are the major challenges facing the city over the next 5 years?

- Identifying and implementing viable solutions to vacant, obsolete, and derelict properties.
- Limits on greenfield development opportunities, working with property owners/developers to conduct rehabilitation and adaptive reuse of existing structures/properties.
- Improving the quality of housing stock throughout the City, especially within each of the City's six rental housing inspections districts.
- Reducing nonconforming properties and uses in order to have land uses in conformance with vision and goals of City's comprehensive plan.
- Improving and then maintaining appearances of major entryways into the City, especially those leading to the Historic Winchester district.
- Bringing gradual change to substandard and blighted properties throughout the City, through rehabilitation, property owner changes and demolition.
- Working with property owners who have code violations on their property, but do not have adequate financial resources to correct the outstanding issues, especially in older, lower-income neighborhoods.
- Limitations of City financial resources to correct properties in cases where property owners fail to abate property maintenance issues.
- Rental property owners who only maintain their properties to the bare minimum life safety standards.

MANAGEMENT IN PROGRESS 2014 PROJECTS AND ISSUES Winchester, Virginia December 2013

DEPARTMENT: Zoning and Inspections

Please list departmental projects or issues in progress (meaning there is work currently being done on them).

- 1 Zoning Ordinance revision – working with Planning Director on revisions to ordinance to bring into conformity with State enabling statutes, eliminate outdated codes, and implement new tools and techniques.
- 2 Zoning Ordinance Amendment – Temporary Signs.
- 3 Public Safety Communications Tower – Conditional Use Permit
- 4 Ongoing development review – certificates of occupancy, building permits, Board of Architectural Review, Board of Zoning Appeals.
- 5 Improving online customer service options, updating and increasing information on City website and updating all departmental forms.
- 6 Continued document imaging of current projects and records, as well as previous property records and land use decisions.
- 7 City Code amendments for code enforcement (vacant building registry, notice requirements for tall grass & trash).
- 8 Develop and implement Safe Cities initiative with Police and Fire and Rescue Departments
- 9 Abatement of public nuisance at 414 South Braddock Street.
- 10 Several large construction/renovation projects throughout the City (Gateway Office Building, Discovery Museum, Taylor Hotel, Cedar Hill Apartments)
- 11 Continue to identify properties that are eligible for derelict and spot blight abatement programs.

INITIATIVES 2014: SHORT-TERM ISSUES AND PROJECTS

Winchester, Virginia

December 2013

DEPARTMENT: Zoning and Inspections

Please list issues or projects that you would like for the city to address this next year 2014.

- 1 Adoption of additional Corridor Enhancement Districts previously identified by the Planning Commission and City Council but not yet formally adopted.
- 2 Scanning/digitization of old property information, land use decisions, zoning permit files.
- 3 Complete updates to Zoning and Inspections forms and website information.
- 4 Building Permit Fee Schedule review and modifications
- 5 Improve guides and outreach for prospective businesses and developers to outline City processes and requirements for development approvals, reviews, development incentives, and fees.
- 6 Improve departmental outreach to citizens, contractors, businesses, and civic groups.
- 7 Improve training and education of Boards and Commissions.
- 8 Increase cross-level training for codes compliance and zoning enforcement.
- 9 Continue to reduce departmental "silos" by aggressively identifying and resolving community issues that address multiple City departments' areas of responsibility as a team (CRT).
- 10 Improve field-computing capabilities of building inspections and code enforcement staff.

SECTION 4

CITY OF WINCHESTER PLAN 2014 – 2019 [Summary 12/15/14]

City of Winchester Goals 2019

Grow the Economy

Create a More Livable City for All

Develop a High Performing Organization

Continue Revitalization of Historic Old Town

City of Client Goals 2019 Worksheet

1. Grow the Economy
2. Create a More Livable City for All
3. Develop a High Performing Organization
4. Continue Revitalization of Historic Old Town

| IMPORTANCE | |
|------------|------|
| Personal | Team |
| 12 | 1 |
| 20 | 2 |
| 22 | 3 |
| 28 | 4 |

* **The City Commission ranked the four goals from “most important” = 1 to “lesser importance” = 4. The number in this column represents the total score for each goal.**

| | |
|---------------|-------------------------|
| GOAL 1 | GROW THE ECONOMY |
|---------------|-------------------------|

| <p>► Objectives</p> <ol style="list-style-type: none"> 1. Develop a workforce prepared for 21st century job opportunities 2. More higher paying jobs for residents through federal government, professional/support service and manufacturing 3. Expand educational programs linked to medical and healthcare job opportunities 4. Increase number of start up businesses 5. More diverse local economy 6. Increased high tech businesses and job opportunities 7. Increase federal government offices and job opportunities 8. More manufacturing businesses in Winchester 9. Have higher occupancy in unoccupied commercial/industrial sites 10. Expanded medical and healthcare facilities and services 11. Grow professional/support services for businesses 12. More tourists coming to experience Winchester | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="padding: 5px;">PRIORITY</th> </tr> </thead> <tbody> <tr><td style="text-align: center; padding: 5px;">8</td></tr> <tr><td style="text-align: center; padding: 5px;">7</td></tr> <tr><td style="text-align: center; padding: 5px;">7</td></tr> <tr><td style="text-align: center; padding: 5px;">7</td></tr> <tr><td style="text-align: center; padding: 5px;">5</td></tr> <tr><td style="text-align: center; padding: 5px;">5</td></tr> <tr><td style="text-align: center; padding: 5px;">3</td></tr> <tr><td style="text-align: center; padding: 5px;">2</td></tr> <tr><td style="text-align: center; padding: 5px;">2</td></tr> <tr><td style="text-align: center; padding: 5px;">1</td></tr> <tr><td style="text-align: center; padding: 5px;">1</td></tr> <tr><td style="text-align: center; padding: 5px;">0</td></tr> </tbody> </table> | PRIORITY | 8 | 7 | 7 | 7 | 5 | 5 | 3 | 2 | 2 | 1 | 1 | 0 |
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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>► Value to Residents</p> <ol style="list-style-type: none"> 1. Less tax burden on the single-family homeowner 2. Ability to work near home resulting in more leisure and family time 3. Opportunities for higher paying jobs in Winchester 4. Option to start and grow a business 5. Greater convenience for shopping and dining | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

| ► Challenges and Opportunities | | PRIORITY |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1. | Lack of a conference/convention center to host significant numbers or major events | 7 |
| 2. | Promoting and creating a positive environment for small business “start ups” and growth | 7 |
| 3. | Changing the perception of Winchester from “non exciting, boring, stuffy” City to “dynamic, vibrant, safe, lively and welcoming” City | 6 |
| 4. | National marketing the Winchester community and the region for business | 6 |
| 5. | Marketing to retail businesses not currently present in the City | 6 |
| 6. | Attracting young college educated professionals | 5 |
| 7. | Growing interest and marketing in historic, civil are and outdoor recreation tourism | 4 |
| 8. | Positive momentum with Shenandoah University and Valley Health | 3 |
| 9. | Tapping the location near Washington, D. C. | 3 |
| 10. | Competition and collaboration from County and other communities | 3 |
| 11. | Location: easy access to major metropolitan areas and to great outdoor experiences | 3 |
| 12. | Uneven “playing field” with Virginia’s moratorium on annexations | 2 |
| 13. | Federal government decentralizing office and agency locations | 1 |
| 14. | Attracting value added businesses that are less subject to outsourcing | 1 |

| ► Actions 2014 – 2015 | | PRIORITY |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1. | Meadow Branch Avenue: Development <ul style="list-style-type: none"> • Discuss with Private Owner • Rezoning • Road Extension: Funding Mechanism • Identify Developers | M/CC 2013 8 |
| 2. | Federal Mogul: Reuse <ul style="list-style-type: none"> • Brownfield Clean Up (EPA) • Direction: Development | Mgmt 2013 7 |
| 3. | Conference Center: Development <ul style="list-style-type: none"> • Presentation: Report • Direction • Funding | M/CC 2013 6 |
| 4. | Retail Attraction/Retention Strategy Identify “Potential” Retail Businesses Develop Marketing Proposal <ul style="list-style-type: none"> • Funding • Completion • Action | M/CC 6 |

| ► Actions 2014 – 2015 (Continued) | | | PRIORITY |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---|-----------------|
| 5. Enterprise Zone: Next Steps | Mgmt 2013 | 5 | 5 |
| <ul style="list-style-type: none"> • Plan: Adoption by Mayor and City Council • Incentives • Policies and Procedures | | | |
| 6. Patsy Cline Economic Strategy | M/CC | 5 | 5 |
| <ul style="list-style-type: none"> • Music Festival: Evaluation • Celebrating Patsy Cline: Development Specific Expectations and City's Role | | | |
| 7. City Relations with Businesses: Action Plan | M/CC | 5 | 5 |
| <ul style="list-style-type: none"> • City Presence and Participation: Opening • Option Report • City Packet for New Businesses • Ambassador/Host New Business • App Development | | | |
| 8. Zero Pak Redevelopment | M/CC | 5 | 5 |
| <ul style="list-style-type: none"> • Zoning • Subdivision | | | |
| 9. Tourism Marketing Program | M/CC | 1 | 1 |
| <ul style="list-style-type: none"> • Funding • Marketing • Development • Actions | | | |
| 10. Winchester Towers: Redevelopment | Mgmt 2013 | 0 | 0 |
| <ul style="list-style-type: none"> • City Participation and Finding Mechanism • Monitor Owner Actions | | | |
| 11. McCormac Amphitheater: Development | Mgmt 2013 | 0 | 0 |
| <ul style="list-style-type: none"> • Needs Assessment • Direction • Funding | | | |
| 12. Monticello Street to Battaile Drive Development | M/CC Mgmt 2013 | 0 | 0 |
| <ul style="list-style-type: none"> • Decision: Direction | | | |
| 13. EDA Staffing | M/CC | 0 | 0 |
| <ul style="list-style-type: none"> • Evaluation • Proposal with Recommendations • Funding | | | |

► **Management in Progress 2014 – 2015**

1. Major Employer Attraction Strategy: Implementation (EDA) 2013
2. Cancer Center Development: Site Plan, Bond Issuance 2013
3. 317 South Cameron Street Redevelopment (Old Jail): Close the Deal 2013

► **Major Projects 2014 – 2015**

1. Valley Health Expansion: City Participation
2. Student Housing Long Term Plan

► **On the Horizon 2015 – 2019**

1. Ward Plaza: Taft Avenue
2. Valley Health Expansion: City Participation
3. Student Housing Long Term Plan
4. Professional and Corporation Business Recruitment/Attraction Strategy

| | |
|---------------|-------------------------------------------|
| GOAL 2 | CREATE A MORE LIVABLE CITY FOR ALL |
|---------------|-------------------------------------------|

| <p>► Objectives</p> <ol style="list-style-type: none"> 1. Revitalize the North side neighborhood 2. Develop neighborhood parks with amenities and community gathering spaces: Weaver, Whittier, Friendship, Douglass 3. Upgrade City school facilities 4. Manage future growth, development and redevelopment consistent with City's vision, comprehensive plan and development standards and policies 5. Revitalize center city neighborhoods 6. Create a safe community: people feeling safe in all neighborhoods 7. Create a more bikable and walkable City connecting key community destinations 8. Upgrade the quality of rental housing stock 9. Upgrade City infrastructure | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="padding: 5px;">PRIORITY</th> </tr> </thead> <tbody> <tr><td style="text-align: center; padding: 5px;">8</td></tr> <tr><td style="text-align: center; padding: 5px;">7</td></tr> <tr><td style="text-align: center; padding: 5px;">6</td></tr> <tr><td style="text-align: center; padding: 5px;">5</td></tr> <tr><td style="text-align: center; padding: 5px;">2</td></tr> <tr><td style="text-align: center; padding: 5px;">1</td></tr> </tbody> </table> | PRIORITY | 8 | 7 | 6 | 6 | 6 | 6 | 5 | 2 | 1 |
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| PRIORITY | | | | | | | | | | | |
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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>► Value to Residents</p> <ol style="list-style-type: none"> 1. Protection of property values 2. More reason to live in Winchester 3. Feeling safe and secure at home and in the community 4. More choices for your leisure time 5. Opportunities to enhance your personal health and wellness 6. Different housing choice for different stages of life or different life style | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

| ► Challenges and Opportunities | | PRIORITY |
|------------------------------------------------------------------------------------------------------------------------|--|-----------------|
| 1. Individual property owners not investing in the maintenance or upgrade of the buildings, rental homes or properties | | 8 |
| 2. Transforming vision and plans into real projects and valued results | | 8 |
| 3. Revitalizing existing neighborhoods with residents not vested | | 7 |
| 4. Defining and funding the City's role and activities | | 6 |
| 5. Working with the private sector to redevelop and upgrade | | 6 |
| 6. Involving the residents and businesses in creating a safe community | | 6 |
| 7. Differing definition of "livable community" among residents | | 5 |
| 8. Community acceptance of less than attractive | | 5 |
| 9. Residents' expectations of instant results versus the regulatory reality | | 4 |
| 10. Working with and involving neighborhoods and residents | | 3 |
| 11. Outreach to Hispanic community | | 2 |
| 12. Reduced federal and state funding for community development and redevelopment | | 1 |
| 13. Neighbors not knowing neighbors | | 1 |
| 14. Residents calling Council members and not the Police Department | | 1 |
| 15. Residents expectations of the City to do it all | | 0 |

| ► Actions 2014 – 2015 | | PRIORITY |
|----------------------------------------------|------------------------------|-----------------|
| 1. John Kerr Elementary School | M/CC | 8 |
| • Site: Approval | 2013 | |
| • Agreement: Approval | | |
| • Funding: Decision | | |
| 2. City Gateway Beautification Project | M/CC | 8 |
| A. Millwood Avenue: Complete | E. Valley | |
| B. Fairmont Avenue | F. Berryville | |
| C. National Avenue | G. Amhearst | |
| D. Cedar Creek Grade | H. Final Design: Application | |
| 3. Storm Water Management Policy and Utility | Mgmt | |
| • Presentation | 2013 | |
| • Recommendations | | |
| • Funding Mechanism | | |
| 4. Schools Master Plan | | 8 |
| • Review | | |
| • School: Direction | | |

| ► Actions 2014 – 2015 (Continued) | | | PRIORITY |
|---------------------------------------------------------------------------|-----------------|--|-----------------|
| 5. North End Redevelopment Strategy and Action Plan | M/CC | | 6 |
| • Market Analysis | 2013 | | |
| • Attraction Strategy | | | |
| • Pocket Park: Direction and Funding | | | |
| 6. Parks and Recreation Needs Assessment | Mgmt | | 5 |
| • Concept | | | |
| • Funding | | | |
| • Completion | | | |
| 7. Beer/Wine at War Memorial Building/Amphitheater | Mgmt | | 5 |
| • Evaluation | | | |
| • Policy Direction | | | |
| • Community Information and Education | | | |
| 8. Development Standards: Development (Street Lights, Street Width, etc.) | Mgmt | | 5 |
| • Concepts | | | |
| • Standards Development | | | |
| • Policy Direction | | | |
| 9. Traffic Enforcement Evaluation (Speeding, Stop Signs, Speed Limits) | M/CC | | 3 |
| • Analysis | | | |
| • Direction | | | |
| • Actions | | | |
| 10. Treatment Center, Information from Centers | M/CC | | 3 |
| • Problem Analysis/Community Impacts (Positive/Negative) | | | |
| • Direction | | | |
| • City Actions | | | |
| • Report from Heroin Task Force | | | |
| 11. Comprehensive Zoning Ordinance: Revision | Mgmt 2013 | | 2 |
| 12. Rental Housing Registration and Inspection Program: Enhancements | M/CC Horizon | | 2 |
| • Evaluation | | | |
| • Report: Problem Areas, Condition, Un-Registration, Overcrowding | | | |
| • Policy Recommendations | | | |
| 13. Non Resident Property Owners | M/CC | | 2 |
| • Problem Analysis | | | |
| • Policy Direction | | | |
| • Actions | | | |

► **Actions 2014 – 2015 (Continued)**

| | | | PRIORITY |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----------|
| 14. | Youth Activities and Employment <ul style="list-style-type: none"> • Connect with Youth Development Center and Boys and Girls Club • Talk with Chamber about Jobs for Youth • Link to Big Brothers/Big Sisters | M/CC | 2 |
| 15. | Homeownership Program <ul style="list-style-type: none"> • Incentive for City Employees: Evaluation/Report • Work with Habitat for Humanities • Homeowner Training Program (Faith Works/Habitat with Humanity) | M/CC | 2 |
| 16. | Outreach to Latino Community <ul style="list-style-type: none"> • Meeting with Latino Connection • Identify Issues • Report • Policy Direction/Actions | M/CC | 2 |
| 17. | 414 South Braddock Street Resolution | 2013 | 1 |
| 18. | Douglas Learning Center Renovation <ul style="list-style-type: none"> • School Disposition: Direction | Horizon | 1 |
| 19. | Housing Stock Condition Assessment and Plan <ul style="list-style-type: none"> • Proposal: Method, Costs • Direction • Funding | Horizon | 1 |
| 20. | Bikes on Sidewalks Ordinance <ul style="list-style-type: none"> • Review • Enforcement Report • Policy Direction | M/CC | 1 |
| 21. | Comprehensive Walkable/Bikeable Master Plan <ul style="list-style-type: none"> • Link Green Circle to Bike Lane • Assessment • Development | M/CC | 1 |
| 22. | Neighborhood Patrol/Community Policing Action Plan <ul style="list-style-type: none"> • Bike Patrol: Expansion with Personal Contract (Residents/Business Owners) • Action Ideas: Report • Policy Direction | M/CC | 1 |
| 23. | Frederick Douglass Park Development <ul style="list-style-type: none"> • Plan • Funding • Outreach to Community (Garden Club) | Mgmt | 1 |

| ► Actions 2014 – 2015 (Continued) | | | PRIORITY |
|-----------------------------------------------------------------|-----------------|--|-----------------|
| 24. Substance Abuse/Mental Health | Mgmt | | 1 |
| • Assessment: Unmet Community Needs | | | |
| • Plan | | | |
| • Funding | | | |
| 25. North Loudoun Street Redevelopment Strategy and Action Plan | M/CC Mgmt | | 0 |
| • Identify Property Owners – Willing to Sell | | | |
| • Development Redevelopment Strategy | | | |
| 26. Potato Hill Redevelopment Strategy and Action Plan | M/CC Mgmt | | 0 |
| • Code Enforcement | | | |
| 27. Woodstock Lane Redevelopment Strategy and Action Plan | Mgmt | | 0 |
| 28. Race Relations Strategy/Outreach | M/CC Horizon | | 0 |
| • Assessment | | | |
| • Goals | | | |
| • Action Plan | | | |
| • Meet NAACP, Latino Connection, Coalition for Unity | | | |
| • City Involvement/Support in Events | | | |
| 29. Underground/Alternative Utilities Location | M/CC | | 0 |
| • Proposal for Underground for City Streets | | | |
| • Location Alternative for City Streets | | | |
| 30. Neighborhood Parks | Mgmt | | 0 |
| • Plans | | | |
| • Priority | | | |
| • Direction | | | |
| • Funding | | | |

| ► Management in Progress 2014 – 2015 | | | Time |
|-----------------------------------------------------------------------|------|--|-------------|
| 1. Flood Insurance: Update Report | M/CC | | Done |
| 2. Police Department Survey: Report and Actions | M/CC | | 2/14 |
| 3. Field Maintenance Plan: Implementation | Mgmt | | 3/14 |
| 4. Community Gardens: Pilot Project | | | 3/14 |
| 5. SWAT Truck | Mgmt | | 4/14 |
| 6. Neighborhood Walking Tours and Council Report on Finding (CRT/CDC) | | | 4/14 |
| 7. Heroin Use Reduction Action Plan | | | |

► **Management in Progress 2014 – 2015 (Continued)**

| | | <i>Time</i> |
|-------------------------------------------------------|--------------|-------------|
| 8. Blighted Structure Report | M/CC | 5/14 |
| 9. Social Services Emergency Management Plan | Mgmt | 7/14 |
| 10. Cal Ripken World Series | Mgmt | 8/14 |
| 11. Active Shooter Program/Training | Mgmt | 8/14 |
| 12. Rental Space at Youth Development Center | Mgmt | 9/14 |
| • Senior Programs | | |
| • Middle School After School Programs | | |
| 13. Millwood Avenue Project | M/CC 2013 | 11/14 |
| 14. Comprehensive Service Act: Corrective Action Plan | Mgmt | 12/14 |
| 15. Aquatics Facelift (Indoor/Outdoor) | Mgmt | 3/15 |
| 16. Comprehensive Zoning Ordinance: Revision | | 6/15 |
| 17. 414 South Brad | | TBD |

► **Major Projects 2014 – 2015**

| | | <i>Time</i> |
|-----------------------------------------------------------|------|-------------|
| 1. Bermuda Grass Fields: Staffing and Equipment | Mgmt | 4/14 |
| 2. Parks: ADA Compliance (Phase I) | 2013 | 6/14 |
| 3. Skate Pavilion | Mgmt | 6/14 |
| 4. South Loudoun/Abrams Creek Drainage Project | Mgmt | 6/14 |
| 5. Citywide Sidewalk Improvements: Phase II Project | Mgmt | 6/14 |
| A. Loudoun (Wyck to City Limit) | | |
| B. Cork Street (Pleasant Valley to Washington) | | |
| 6. Green Circle Trail: Phase II Project | Mgmt | 9/14 |
| 7. I-81 Interchange (VDOT – Exit 313): Preliminary Design | M/CC | 12/14 |
| 8. East Lane/Piccadilly/National Avenue Realignment | Mgmt | 12/14 |
| 9. Tevis Street Extension: Design | Mgmt | 2/15 |
| 10. Bridgeforth Stadium: Turf | Mgmt | 3/15 |
| 11. Jim Barnett Park Signage and Beautification: Phase I | Mgmt | 3/15 |
| 12. Green Circle Trail: Phase III Design | Mgmt | 3/15 |
| 13. Hope Drive Extension: Design | Mgmt | 5/15 |
| 14. Valley Avenue Sidewalk/Drainage Improvements: Design | Mgmt | 6/15 |
| 15. Millwood Avenue Improvement (with SU) | Mgmt | 6/15 |
| 16. Nester Drive Extension | Mgmt | TBD |
| 17. Tevis Bridge (VDOT) | Mgmt | |

► **On the Horizon 2015 – 2019**

1. Online Participant Registration for Web Trac (2016)
2. Gateway Plan for Route 11 North
3. Frederick Douglass Elementary School
4. Middle School: Direction
5. Henry Street Redevelopment
6. Green Space: Expansion

| <i>Time</i> |
|-------------|
| 9/14 |

GOAL 3

DEVELOP A HIGH PERFORMING ORGANIZATION

► Objectives

1. Attract, develop and retain a quality City workforce including management succession capacity in all departments
2. Increase teamwork and collaboration among City departments
3. Upgrade, increase the use of information technology to increase productivity and to engage the customer service
4. Provide adequate resources for the defined core City services and service levels
5. Maintain a high level of customer satisfaction with City services
6. Maintain competitive compensation and benefits for City employees
7. Improve communications within the City Organizations and with the Winchester Community

► Means to Residents

1. Service value for their tax dollars and fees
2. Reliable, no hassle delivery of City services
3. Timely response to an emergency or nonemergency calls for service
4. Great customer service from City employees who are dedicated to serving you
5. Easy access to City information and services
6. Opportunities to become involved in City governance and service delivery

► Challenges and Opportunities

- | | PRIORITY |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1. Continue to expand and promote interdepartmental teamwork and collaboration | 9 |
| 2. Using technology to enhance service delivery and improve productivity | 9 |
| 3. Funding for school facilities and annual operations | 8 |
| 4. Funding and facilities for professional training and development | 7 |
| 5. More Federal and Commonwealth of Virginia regulations, mandates and monitoring | 6 |
| 6. Balancing individual agenda versus best for the overall community | 6 |
| 7. Aging City facilities and infrastructure needing upgrades or replacements | 5 |
| 8. Significant tax exempt properties receiving direct services, funded by other tax payers | 4 |
| 9. Degree of reporting to Council: strategic plan, projects, service actions, events or occurrences | 3 |
| 10. Antiquated City Hall with limited parking, access problems, security concerns, split work locations that reduces productivity | 2 |
| 11. Uncertain impacts of the Affordable Care Act | 1 |
| 12. Increasing costs of delivering City services | 1 |
| 13. Determining the cost recovery from fees for programs, activities and services | 1 |
| 14. Anti tax and anti government political environment | 1 |
| 15. Working with Frederick County toward service collaboration or merger | 1 |
| 16. City subsidizing sports groups: swimming, BMX and horseshoes | 0 |

► Actions 2014 – 2015

- | | | PRIORITY |
|--------------------------------------------------------------|--------------|-----------------|
| 1. Comprehensive Municipal Facilities Historic Building Plan | Horizon | 9 |
| • Inventory | | |
| • Condition Assessment | | |
| • Plan Development | | |
| 2. Succession Planning: Development | M/CC 2013 | 8 |
| • Assessment | | |
| • Program Recommendations | | |
| • Direction and Funding | | |
| 3. Incentives for City/School Employees | | 7 |
| • Options: Car Registration, Homeownership Incentives | | |
| • Report | | |
| • Policy Direction and Funding | | |

| ► Actions 2014 – 2015 (Continued) | | | PRIORITY |
|----------------------------------------------------------|---------|--|-----------------|
| 4. City-Schools Service Consolidations | Horizon | | 6 |
| • Identification of Opportunities | | | |
| • Evaluation | | | |
| • Direction | | | |
| 5. Impact Fees Model | M/CC | | 6 |
| • Concept | | | |
| • Evaluation | | | |
| • Policy Direction | | | |
| 6. Public Safety Communications System | M/CC | | 5 |
| • Direction | 2013 | | |
| • Funding | | | |
| 7. City Organization Analysis (Outside Organization) | M/CC | | 5 |
| 8. Utility Billing System: On Line | Mgmt | | 5 |
| • Proposal | | | |
| • Funding | | | |
| 9. Communication and Marketing Plan | M/CC | | 4 |
| • Development | 2013 | | |
| • Specific Actions | | | |
| 10. Citizens/Community Survey | Mgmt | | 4 |
| • Concept and Process | M/CC | | |
| • Direction | | | |
| • Funding | | | |
| • Completion | | | |
| 11. Community Events Policy: Review | M/CC | | 3 |
| • Establish Baseline for Events | 2013 | | |
| • Measuring Events Success | | | |
| • Role Collaboration: City and Private Sector | | | |
| • Master Calendar: Collaboration | | | |
| • Policy, Direction and City Action | | | |
| 12. Employee Survey | M/CC | | 3 |
| • Concept and Process | | | |
| • Direction | | | |
| • Funding | | | |
| • Completion | | | |
| 13. "One Stop Shop" for Development/Business Licenses | M/CC | | 3 |
| • Identification: Physical Layout | | | |
| • Departmental Cross Training: Simple Questions/Services | | | |
| • Plan | | | |
| • Direction and Funding | | | |

► **Actions 2014 – 2015 (Continued)**

| | | | PRIORITY |
|-----|--------------------------------------------------------------------------------------|---------|----------|
| 14. | Intergovernmental Relations with Frederick County | M/CC | 2 |
| | • Informal Social Sessions with County Officials | Horizon | |
| 15. | Customer Service Audit (Permitting, Inspection (Fire/Building) and Service Requests) | M/CC | 2 |
| | • Concept | | |
| | • Process, Policy | | |
| 16. | Training Program Development | M/CC | 2 |
| | • Module: Customer Service | Mgmt | |
| | • Training that is in System | | |
| | • Direction | | |
| | • Funding | | |
| 17. | Public Services Facility/Municipal Service Center: Direction | 2013 | 1 |
| | • Concept and Costs | | |
| | • Plan | | |
| | • Funding | | |
| | (Including Parks Maintenance) | | |
| 18. | Air Force ROTC Program in High School | M/CC | 1 |
| | • Direction | Horizon | |
| | • City Role | | |
| | • Short Term Funding | | |
| 19. | Comprehensive Salary and Benefit Study | Mgmt | 0 |
| | • Market Analysis | Horizon | |
| | • Recommendations | | |
| | • Policy Direction and Funding | | |
| 20. | Human Resource: Policy and Procedures | Mgmt | 0 |
| | • Review | | |
| | • Prepare Draft | | |
| | • Policy Direction and Adoption | | |
| | • Update: Process | | |

| ► Management in Progress 2014 – 2015 | | | <i>Time</i> |
|-----------------------------------------------------------|--------------|--|-------------|
| 1. Recreation Fees: Review | 2013 | | Done |
| 2. City Owned Property Report and Map | | | 1/14 |
| 3. City Reorganization Plan: New Phase | 2013 | | 2/14 |
| 4. Boards/Commissions: Orientation Program | 2013 | | 2/14 |
| 5. Emergency Operations Plan: Revision | Mgmt | | 3/14 |
| 6. Information Technology Master Plan: Update | 2013 | | 4/14 |
| 7. Hiring Process: Review/Revision | Mgmt M/CC | | 4/14 |
| 8. Emergency Management Social Media | Mgmt | | 4/14 |
| 9. Affordable Care Act: Part Time Employees | Mgmt | | 4/14 |
| 10. Volunteer Organizations Active in Disaster (Regional) | Mgmt | | 5/14 |
| 11. Emergency Management Professional Development Series | Mgmt | | 6/14 |
| 12. Performance Measures: Refinement | Mgmt | | 6/14 |
| 13. Building Permit Fee Schedule: Review | Mgmt | | 6/14 |
| 14. City Hall Security Plan | | | 7/14 |
| 15. Fire Volunteer Recruitment and Retention Program | Mgmt | | 9/14 |
| 16. Student Internship/Work Study Program: Formalization | | | 9/14 |
| 17. Employee Wellness Program | 2013 | | 12/14 |
| 18. Payroll Process Software: Implementation | Mgmt | | 12/14 |
| 19. Personal Property Application Software | Mgmt | | 2016 |
| 20. Real Estate Application Software | Mgmt | | |
| 21. Fire Code and Permit Updates | Mgmt | | |
| 22. Fire and EMS Reporting System: Implementation | Mgmt | | |
| 23. Hazmat Vehicle Storage | Mgmt | | |
| 24. Time and Attendance Software (Citywide) | Mgmt | | |
| 25. Employee Annual Performance Review | Mgmt | | |
| 26. Sun Gard Enterprise Software: Web Enablement | Mgmt | | |
| 27. Business Process and Streamlining Citizen Interaction | Mgmt | | |
| 28. New Testing for Police Officers | Mgmt | | |

| ► On the Horizon 2015 – 2019 | |
|-------------------------------------|--|
| 1. Pool/Aquatic Center: Direction | |

| | |
|---------------|-----------------------------------------------------|
| GOAL 4 | CONTINUE REVITALIZATION OF HISTORIC OLD TOWN |
|---------------|-----------------------------------------------------|

| ► Objectives | PRIORITY |
|-------------------------------------------------------------------------------------------------------------|-----------------|
| 1. Continue investment by EDA and Public-Private Partner for acquisition/redevelopment in Historic Old Town | 9 |
| 2. Retain and increase professional service/technology businesses | 9 |
| 3. Increase the number of residents living in Downtown through mixed use development | 8 |
| 4. Establish a viable “Arts and Entertainment” district | 8 |
| 5. Enhance gateways to Historic Old Town | 7 |
| 6. Increase private investment in façade improvements and second/upper floor development | 7 |
| 7. Expand revitalization efforts to all parts of Secondary Assessment District | 5 |
| 8. Expand the Primary and Secondary Assessment District | 2 |
| 9. Restore key historic buildings: Taylor Hotel | 0 |

| ► Means to Residents |
|------------------------------------------------------------------------------------------------------------------------|
| 1. Downtown – the focal point for the Winchester community |
| 2. Opportunities to live in a small town downtown with the convenience to walk for daily necessities and entertainment |
| 3. Places to shop and eat without leaving Winchester |
| 4. Family oriented, affordable events |
| 5. Celebrating and preserving the history of Winchester |

| ► Challenges and Opportunities | | PRIORITY |
|------------------------------------------------------------------------------------------------------------------|--|-----------------|
| 1. Marketing Historic Old Town to residents and to the outside world | | 9 |
| 2. Working with absentee property owners and maximize best tenants | | 9 |
| 3. Keeping the positive momentum building in the Historic Old Town and expand to broader Downtown area | | 9 |
| 4. Traditional attitudes of some business owners and understanding, using "best business practices" by merchants | | 7 |
| 5. Funding and support for projects in Historic Old Town | | 6 |
| 6. Support for proactive city codes, standards and actions, including noise | | 6 |
| 7. Defining "success" for Historic Old Town | | 5 |
| 8. Working with property owners and business owners | | 4 |
| 9. Defining the City's role and actions in Historic Old Town | | 4 |
| 10. Some aging and blighted buildings and homes needing major rehabilitation or demolition/replacement | | 3 |
| 11. Developing a range of housing options in Downtown | | 1 |
| 12. Defining and prioritizing community events and festivals | | 1 |
| 13. Managing expectations of businesses, property owners and residents | | 1 |
| 14. Addressing special assessment district issues | | 0 |

| ► Actions 2014 – 2015 | | PRIORITY |
|--------------------------------------------------------------------------------|---------------|-----------------|
| 1. Historic Old Town Gateway Enhancements | M/CC | 9 |
| • Southside Cork Street | | |
| • National/East Lane | | |
| • Amherst Street | | |
| 2. Comprehensive Parking Strategy (Residential, Credit Card, Self Sufficiency) | | 8 |
| • Review | | |
| • Use/Problems | | |
| • Report | | |
| • Policy Direction | | |
| 3. Market Rate Housing Unit (25): Construction | 2013 | 7 |
| 4. National Historic District: Expansion | Mgmt 2013 | 6 |
| 5. Events Coordinator | M/CC. 2013 | 6 |
| • Assessment | | |
| • Direction | | |
| • Event Fees for City Services | | |

| ► Actions 2014 – 2015 (Continued) | | | PRIORITY |
|---------------------------------------------------|---------|--|-----------------|
| 6. Downtown Extended Area | M/CC | | 6 |
| • Vision | | | |
| • Land use | | | |
| • Infrastructure | | | |
| 7. Arts and Cultural District Policy | 2013 | | 5 |
| 8. Market/Grocery Store Attraction: Strategy | M/CC | | 5 |
| • Location | Mgmt | | |
| • Incentive | | | |
| • Direction | | | |
| 9. Downtown Branding and Materials: Development | M/CC | | 3 |
| • Report | 2013 | | |
| • Recommendations | | | |
| • Direction and Funding | | | |
| 10. Old Courthouse: Use Agreement | M/CC | | 3 |
| | Mgmt | | |
| | Horizon | | |
| 11. Taylor Hotel Project: Next Phase | M/CC | | 2 |
| A. Fly Tower | 2013 | | |
| B. Public Space | | | |
| 12. Downtown Façade Improvement Program | M/CC | | 2 |
| • Location | | | |
| • Criteria | | | |
| • Grant/Loan Program | | | |
| • Funding Sources | | | |
| 13. Downtown Special Assessment District | Mgmt | | 1 |
| • Review | Horizon | | |
| • Recommendations | | | |
| • Direction | | | |
| 14. Waiver for Residential in Assessment District | Com | | 1 |
| • Evaluation | | | |
| • City Code: Change | | | |
| • Policy Direction | | | |
| 15. Street Performers Policy/Permits | 2013 | | 0 |
| • Legal Standards | | | |
| • Draft Proposal | | | |
| • Policy Direction | | | |

► Management in Progress 2014 – 2015

| | | <i>Time</i> |
|----|-----------------------------------------------------------------|---------------|
| 1. | Internal Trolley: Policy on Use | 2/14 |
| 2. | Downtown Public Safety Security Plan: Update Report | 4/14 |
| 3. | Historic District Design Guideline BAA Manual for New Materials | 5/14 |
| 4. | Fly Tower Lease | 5/14 |
| 5. | Downtown Business Outreach: Process Review, Update Report | 8/14 |
| 6. | George Washington Hotel Parking Study | Mgmt 11/14 |
| 7. | Parking Payment: Credit Cards and Debit Cards | Mgmt 11/14 |

► Major Projects 2014 – 2015

| | | <i>Time</i> |
|----|--------------------------------------------------------|---------------|
| 1. | Cork Street Sidewalks | Mgmt 6/14 |
| 2. | Parking Garage Improvements | 2013 9/14 |
| 3. | Green Circle trail (Downtown Phase): Signage, Striping | 2013 10/14 |

► On the Horizon 2015 – 2019

1. Public Arts Policy
2. Ice Skating: Direction
3. Class "A" Office Space/Building

SECTION 5

ACTION AGENDA 2014 – 2015 [Updated: 1/20/14]

Action Agenda

Definitions of Terms

POLICY –

is an issue that needs direction or a policy decision by the Council; or needs a major funding decision by the Council; or an issue that needs Council leadership by the governing body in the community; or with other governmental bodies (county government, other city governments, state government, federal government) – questions of “WHAT: IS THE DIRECTION; IS THE GOAL; IS THE BUDGET OR RESOURCES; IS THE CITY'S POLICY OF REGULATION?”

MANAGEMENT –

a management action which the Council has set the overall direction and provided initial funding (e.g. phased project), may require further Council action on funding; or a major management project particularly multiple years (e.g. upgrade to the information system)- questions of “HOW: DO WE ADDRESS THE ISSUE, MANAGE THE CITY; IMPLEMENT A DECISION OR PROGRAM; CAN WE IMPROVE THE MANAGEMENT OR ORGANIZATIONAL PROCESS?”

MANAGEMENT IN PROGRESS –

a management or organization action which Council has set the direction, needs staff work before going to Council for direction next year or beyond, no choice mandated by an outside governmental agency or institution, management process improvement budgeted or funded by the Council.

MAJOR PROJECT –

a capital project funded in the CIP or by Council action which needs design or to be constructed (e.g. Road project, city facility project, park project, etc.).

ON THE HORIZON –

an issue or project that will not be addressed during the year by management or the Council but should be addressed in the next five years; it could become an action item for this year if another party moves the issue or project forward-it depends on them.

City of Winchester Policy Agenda 2014 – 2015 Targets for Action

TOP PRIORITY

**John Kerr Elementary School
Meadow Branch Avenue: Development
Conference Center: Development
Enterprise Zone: Next Steps
City Gateway Beautification Project
Public Safety Communications System**

HIGH PRIORITY

**North End Redevelopment Strategy and Action Plan
Retail Attraction/Retention Strategy
Patsy Cline Economic Strategy Development
Incentives for City/School Employees
Storm Water Management Policy and Utility
Historic Old Town Gateway Enhancements
Housing Stock Condition Assessment and Plan
Community Events Policy**

MODERATE PRIORITY

Zero Pak Redevelopment

**Social Beverage Permission Beer/Wine at War Memorial
Building/Amphitheater**

**Comprehensive Parking Strategy
(Residential, Credit Card, Self Sufficiency)**

Citizens/Community Survey

City of Winchester

Policy Agenda 2014 – 2015

| | Priority | | | |
|---------------------------------------------------------------------------------|----------|-----|------|-----|
| | Priority | TOP | HIGH | MOD |
| ► Targets for Action | | | | |
| 1. John Kerr Elementary School | Top | 7 | - | - |
| 2. Meadow Branch Avenue: Development | Top | 7 | - | - |
| 3. Conference Center: Development | Top | 6 | - | - |
| 4. Enterprise Zone: Next Steps | Top | 5 | - | - |
| 5. City Gateway Beautification Project | Top | 4 | - | - |
| 6. Public Safety Communications System | Top | 4 | - | - |
| 7. North End Redevelopment Strategy and Action Plan | High | 3 | 7 | - |
| 8. Retail Attraction/Retention Strategy | High | 2 | 5 | - |
| 9. Patsy Cline Economic Strategy Development | High | 2 | 5 | - |
| 10. Incentives for City/School Employees | High | 2 | 4 | - |
| 11. Storm Water Management Policy and Utility | High | 1 | 4 | - |
| 12. Historic Old Town Gateway Enhancements | High | 1 | 4 | - |
| 13. Housing Stock Condition Assessment | High | 1 | 4 | - |
| 14. Community Events Policy | High | 1 | 4 | - |
| 15. Zero Pak Redevelopment | Moderate | 0 | 1 | 6 |
| 16. Social Beverage Permission Beer/Wine at War Memorial Building/Amphitheater | Moderate | 1 | 2 | 5 |
| 17. Comprehensive Parking Strategy (Residential, Credit Card, Self Sufficiency) | Moderate | 0 | 3 | 4 |
| 18. Citizens/Community Survey | Moderate | 1 | 1 | 4 |
| 19. Downtown Branding and Materials | | 2 | 3 | 3 |
| 20. Frederick Douglass Park Development | | 0 | 0 | 3 |
| 21. Youth Activities and Employment | | 0 | 0 | 2 |
| 22. Development Standards: Development (Street Lights, Street Wide, etc.) | | 0 | 1 | 1 |
| 23. Monticello Street to Battaile Drive | | 0 | 0 | 0 |
| 24. Schools Master Plan | | 0 | 0 | 0 |

**City of Winchester
Management Agenda 2014 – 2015
Targets for Action**

TOP PRIORITY

**Succession Planning: Development
City-Schools Service Consolidations
Comprehensive Municipal Facilities/Historic Building
Maintenance Plan
EDA Staffing
Events Coordinator and Policy
Federal Mogul Reuse: Clean Up, Marketing**

HIGH PRIORITY

**Douglas Learning Center
Substance Abuse/Mental Health
Human Resources Policy and Procedures
National Historic District: Expansion
City Relations with Businesses: Action Plan
McCormac Amphitheater Development
Parks and Recreation Needs Assessment**

City of Winchester Management Agenda 2014 – 2015

► Targets for Action

| | PRIORITY | PRIORITY | |
|-----------------------------------------------------------------------------|----------|----------|------|
| | | TOP | HIGH |
| 1. Succession Planning: Development | Top | 6 | - |
| 2. City-Schools Service Consolidations | Top | 6 | - |
| 3. Maintenance Comprehensive Municipal Facilities Historic Building Plan | Top | 4 | - |
| 4. EDA Staffing | Top | 4 | - |
| 5. Events Coordinator and Policy | Top | 4 | - |
| 6. Federal Mogul Reuse | Top | 4 | - |
| 7. Douglas Learning Center | High | 3 | 4 |
| 8. Substance Abuse/Mental Health | High | 3 | 4 |
| 9. Human Resources Policy and Procedures | High | 2 | 5 |
| 10. National Historic District: Expansion | High | 2 | 4 |
| 11. City Relations with Businesses: Action Plan | High | 1 | 5 |
| 12. Mc Cormac Amphitheater Development | High | 1 | 5 |
| 13. Parks and Recreation Needs Assessment | High | 1 | 4 |
| 14. Public Services Facility/Municipal Service Center: Direction | | 1 | 3 |
| 15. Utility Billing System: Online | | 1 | 2 |
| 16. Market Rate Housing Unit (25): Construction | | 0 | 0 |

**City of Winchester
Action Outlines 2014 – 2015**

| | |
|---------------|-------------------------|
| GOAL 1 | GROW THE ECONOMY |
|---------------|-------------------------|

| | | |
|-------------------------------------------------------------|------------------------------------------------------------|---------------------|
| ACTION: MEADOW BRANCH AVENUE: DEVELOPMENT | | PRIORITY |
| | | <i>Policy – Top</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | 1. Meeting with Property Owner: Conceptual Plans | 1/14 |
| | 2. Prepare Report: Development Options | 2/14 |
| | 3. Council Decision: Development Direction and Land Use | 3/14 |
| | 4. Complete Comprehensive Plan Amendment | 7/14 |
| | 5. Council Decision: Amendment Adoption | 8/14 |
| | 6. Revise Zoning | 10/14 |
| | 7. Council Decision: Zoning | 11/14 |
| | 8. Initiate Engineering Design | 4/14 – 11/14 |
| | 9. Construction | 4/15 – 10/15 |
| \$ – Construction | | |
| Responsibility: Economic Development/Public Services | | |

| | | |
|-----------------------------------------------|----------------------------------------|---------------------|
| ACTION: CONFERENCE CENTER: DEVELOPMENT | | PRIORITY |
| | | <i>Policy – Top</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | 1. Present Report | 1/14 |
| | 2. Council Decision: Direction | 2/14 |
| | 3. Develop Funding Plan | 8/14 |
| | 4. Council Decision: Funding Direction | 12/14 |
| | 5. County Decision: Abandonment | TBD |
| \$ | | |
| Responsibility: Economic Development | | |

ACTION: ENTERPRISE ZONE: NEXT STEPS

| |
|---------------------|
| PRIORITY |
| <i>Policy – Top</i> |

| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <ul style="list-style-type: none"> • Level of funding | <ol style="list-style-type: none"> 1. Council Decision: Funding Agreement 2. Council Decision: Ordinance 3. Initiate Marketing Program | <p>2/14</p> <p>3/14</p> <p>3/14</p> |

Responsibility: Economic Development

ACTION: RETAIL ATTRACTION/RETENTION STRATEGY

| |
|----------------------|
| PRIORITY |
| <i>Policy – High</i> |

| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| <p>\$</p> | <ol style="list-style-type: none"> 1. Develop Retail Study: Scope and Cost Estimate 2. Council Decision: Direction, Funding 3. Complete RFP, Award Contract 4. Complete Retail Study 5. Develop Marketing Information 6. Participate ICSC | <p>3/14</p> <p>6/14</p> <p>8/14</p> <p>12/14</p> <p>3/15</p> <p>5/15</p> |

Responsibility: Economic Development

ACTION: PATSY CLINE ECONOMIC STRATEGY DEVELOPMENT

| |
|----------------------|
| PRIORITY |
| <i>Policy – High</i> |

| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| <p>\$</p> | <ol style="list-style-type: none"> 1. Identify Key Partners/Key Stakeholders: Local, National 2. Develop a “Festival Plan” 3. Develop Comprehensive Marketing Program: National and International 4. Council Decision: Direction, Funding 5. Major Festival Event | <p>2/14</p> <p>9/14</p> <p>9/14</p> <p>12/14</p> <p>9/15</p> |

Responsibility: Economic Development/CVB

| | | |
|---------------------------------------------|---------------------------------------------------------------------|---------------------|
| ACTION: ZERO PAK REDEVELOPMENT | | PRIORITY |
| | | <i>Policy – Mod</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | 1. Complete Development Plan | 6/14 |
| | 2. Council Decision: Rezoning for Residential Use; Road Realignment | 10/14 |
| Responsibility: Economic Development | | |

| | | |
|----------------------------------------------------------------|-------------------------------------------------------------------|-----------------|
| ACTION: MONTICELLO STREET TO BATTAILE DRIVE DEVELOPMENT | | PRIORITY |
| | | <i>Policy</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | 1. Council Decision: To Build Monticello Street to Battaile Drive | 1/14 |
| | 2. Complete Personal Property Job Audit for Rubbermaid | 3/14 |
| Responsibility: Public Service/Economic Development | | |

| | | |
|---------------------------------------------|-------------------------------------------------------------------|-------------------|
| ACTION: EDA STAFFING | | PRIORITY |
| | | <i>Mgmt – Top</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | 1. Re Classification of Employee | 6/14 |
| | 2. Training to be a “Certified Economic Development Professional” | TBD |
| \$ | | |
| Responsibility: Economic Development | | |

ACTION: FEDERAL MOGUL REUSE: CLEAN UP, MARKETING

PRIORITY

Mgmt – Top

Key Issues

Activities/Milestones

Time

- | | |
|--------------------------------|------|
| 1. Complete Cleanup: Building | 6/14 |
| 2. Develop Marketing Program | 6/14 |
| 3. Implement Marketing Program | 7/14 |

Responsibility: Economic Development

ACTION: CITY RELATIONS WITH BUSINESSES: ACTION PLAN

PRIORITY

Mgmt – High

Key Issues

Activities/Milestones

Time

- | | |
|---------------------------------------------------------------------------------|------|
| 1. Meeting with Chamber President and CEO – Ways to Strength Relations | 1/14 |
| 2. Evaluate Options: Apps, Packet for Businesses, Host New Business, Ambassador | 5/14 |
| 3. Survey Businesses (Local Business/Contractors) | 6/14 |
| 4. Prepare Report | 7/14 |
| 5. Council Presentation: Results and Actions | 7/14 |

Responsibility: Downtown Manager/Economic Development

ACTION: MCCORMAC AMPHITHEATER: DEVELOPMENT

PRIORITY

Mgmt – High

Key Issues

Activities/Milestones

Time

\$

- | | |
|------------------------------------------------------------------------------------------------------|------|
| 1. Award Contract for Needs Assessment (Part of Comprehensive Parks and Recreation Needs Assessment) | 2/14 |
| 2. Complete “Needs Assessment” | 9/14 |
| 3. Council Decision: Feasibility Study | TBD |

Responsibility: Parks and Recreation

► **Management in Progress 2014 – 2015**

1. Major Employer Attraction Strategy: Implementation (EDA)
2. Cancer Center Development: Decision, Site Plan, Bond Issuance
3. 317 South Cameron Street Redevelopment (Old Jail): Close the Deal
4. Student Housing Plan: Bellview Direction
5. Career Technical Education Center (at Douglas Learning Center)

Time

Ongoing

7/14

10/14

TBD

TBD

| | |
|---------------|-------------------------------------------|
| GOAL 2 | CREATE A MORE LIVABLE CITY FOR ALL |
|---------------|-------------------------------------------|

| | | |
|--------------------------------------------|---------------------------------------------------------------------|---------------------|
| ACTION: JOHN KERR ELEMENTARY SCHOOL | | PRIORITY |
| | | <i>Policy – Top</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | 1. Council Decision: School Board Recommendation and Council Action | 1/14 – 4/14 |
| Responsibility: City Manager | | |

| | | |
|----------------------------------------------------|--------------------------------------------------|---------------------|
| ACTION: CITY GATEWAY BEAUTIFICATION PROJECT | | PRIORITY |
| | | <i>Policy – Top</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | A. National Avenue – East Lane | |
| | 1. Council Decision: Roundabout or Straight Road | 4/14 |
| | 2. Construction | 12/14 |
| | B. Millwood Avenue | |
| | 1. SU Complete Design | 3/14 |
| | 2. City: Design Acceptance | 4/14 |
| | 3. City Management of Project | 11/14 |
| | 4. Council Decision: University Drive Dedication | 12/14 |
| | C. Fairmont Avenue | |
| | 1. Council Decision: Funding Study | 6/14 |
| | 2. Complete Study | 10/14 |
| | 3. Council Presentation: Study | 11/14 |
| | 4. Council Decision: Direction, Funding | 12/14 |
| | D. North Loudoun Street | |
| | 1. Council Decision: Funding Study | 6/14 |
| | 2. Complete Study | 10/14 |
| | 3. Council Presentation: Study | 11/14 |
| | 4. Council Decision: Direction, Funding | 12/14 |
| Responsibility: Planning/Public Services | | |

ACTION: CITY GATEWAY BEAUTIFICATION PROJECT
(Continued)

| |
|---------------------|
| PRIORITY |
| <i>Policy – Top</i> |

Key Issues

Activities/Milestones

Time

- E. Berryville Avenue
 - 1. Council Decision: Funding Study 6/14
 - 2. Complete Study 10/14
 - 3. Council Presentation: Study 11/14
 - 4. Council Decision: Direction, Funding 12/14
- F. C. E. Overlay for:
 - 1) Millwood Avenue
 - 2) Fairmont Avenue
 - 3) National Avenue
 - 1. Council Decision: Fairmont Avenue 2/14 – 5/14
 - 2. Council Decision: National Avenue 4/14 – 8/14
 - 3. Council Decision: Millwood Avenue 8/14 – 12/14
- G. Uniform Gateway Sign
 - 1. Council Design: Direction 7/14
 - 2. Council Decisions: Cedar Creek Grade, Amherst Street 12/14

| |
|-------------------------------------------------|
| Responsibility: Planning/Public Services |
|-------------------------------------------------|

| | | |
|-----------------------------------------------------------------|--------------------------------------------------------------------------|----------------------|
| ACTION: NORTH END REDEVELOPMENT STRATEGY AND ACTION PLAN | | PRIORITY |
| | | <i>Policy – High</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | 1. Define Boundaries | 7/14 |
| | 2. Evaluate Residential/Commercial Development/Redevelopment | 9/14 |
| | 3. Obtain Information from Parks and Recreation on Future Pocket Park(s) | 9/14 |
| | 4. Identify Additional Tools | 10/14 |
| | 5. Identify Specific Sites | 10/14 |
| | 6. Engage Community – Key Stakeholders, Community Organization | 11/14 |
| | 7. Develop Report with Recommendations | 1/15 |
| | 8. Council Decision: Direction, Actions, Funding (if needed) | 5/15 |
| | 9. Obtain Information from Parks and Recreation on Future Pocket Park(s) | 5/15 |
| | 10. Council Decision: Pocket Parks | |
| Responsibility: Planning/Parks and Recreation | | |

| | | |
|----------------------------------------------------------|------------------------------------------------------|----------------------|
| ACTION: STORM WATER MANAGEMENT POLICY AND UTILITY | | PRIORITY |
| | | <i>Policy – High</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | 1. Council Presentation: Report and Public Education | 4/14 |
| | 2. Council Decision: Storm Water Utility | 6/14 |
| | 3. Public Education Campaign | 3/14 – 6/14 |
| Responsibility: Public Works | | |

| | | |
|------------------------------------------------------------|------------------------------------------------------|----------------------|
| ACTION: HOUSING STOCK CONDITION ASSESSMENT AND PLAN | | PRIORITY |
| | | <i>Policy – High</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | 1. Define Scope, Approach and Funding | 3/14 |
| | 2. Council Decision: Direction, Funding | 6/14 |
| | 3. Complete RFQ | 8/14 |
| | 4. Complete Study | 2/15 |
| | 5. Council Presentation and Direction | 3/15 |
| | 6. Evaluate Concept: Redevelopment Housing Authority | TBD |
| \$ | 7. Council Decision: Direction | TBD |
| Responsibility: Building Inspector | | |

| | | |
|------------------------------------------------------------------------------------------|-------------------------------------------------------------|---------------------|
| ACTION: SOCIAL BEVERAGE APPROVAL: BEER/WINE AT WAR MEMORIAL BUILDING/AMPHITHEATER | | PRIORITY |
| | | <i>Policy – Mod</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| • Use of Beer/Wine | 1. Revise Proposal with Updated Analysis (limited area) | 8/14 |
| • Amphitheater | 2. Board Decision: Direction, Recommendations | 9/14 |
| | 3. Develop Community Information and Educational Activities | 10/14 |
| | 4. Council Decision: Direction | 12/14 |
| Responsibility: Parks and Recreation | | |

| | | |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-----------------|
| ACTION: FREDERICK DOUGLASS PARK DEVELOPMENT | | PRIORITY |
| | | <i>Policy</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | 1. Develop CIP Proposal – Multi Use Fields, Playground Equipment, Signage, Walking Loop, Landscaping, Lighting, Shelter | Done |
| | 2. Council Decision: Funding | 6/14 |
| Responsibility: Parks and Recreation | | |

| | | |
|----------------------------------------------------|---------------------------------------------------------------------------|-----------------|
| ACTION: YOUTH ACTIVITIES AND EMPLOYMENT | | PRIORITY |
| | | <i>Policy</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | 1. Council Decision: Funding for After School Programs for Middle Schools | 6/14 |
| \$ | 2. Council Decisions: Timbrook Youth Development Center | 6/14 |
| Responsibility: Police/Parks and Recreation | | |

| | | |
|---------------------------------------------------------------------------------------|--------------------------------------------------------|-----------------|
| ACTION: DEVELOPMENT STANDARDS: DEVELOPMENT (STREET LIGHTS, STREET WIDTH, ETC.) | | PRIORITY |
| | | <i>Policy</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | 1. Analyze Low Impact Development Standards | 6/14 |
| | 2. Develop Standards | 10/14 |
| | 3. Planning Commission: Subdivision Ordinance Revision | 10/14 |
| | 4. Council Decision: Ordinances, Standards | 12/14 |
| Responsibility: Public Service/Planning | | |

| | | |
|---------------------------------------|----------------------------------------------------------------|-----------------|
| ACTION: SCHOOLS MASTER PLAN | | PRIORITY |
| | | <i>Policy</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | 1. Review School CIP/Facility Study | 6/14 |
| | 2. School CIP/Facility Study Plan: Short Term and Long Term | TBD |
| | 3. Evaluate Financial Reality by Finance | |
| Responsibility: School/Finance | | |

| | | |
|-------------------------------------------------------|-----------------------------------------------------------------|--------------------|
| ACTION: DOUGLAS LEARNING CENTER RENOVATION | | PRIORITY |
| | | <i>Mgmt – High</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | 1. Prepare Report: How to Address Need | 10/14 |
| | 2. Review Schools Actions | 12/14 |
| | 3. Council Presentation: Report Acceptance, Future Direction | 12/14 |
| Responsibility: Economic Development | | |

| | | |
|-----------------------------------------------|--------------------------------------------------------------------------------------------------------|--------------------|
| ACTION: SUBSTANCE ABUSE/MENTAL HEALTH | | PRIORITY |
| | | <i>Mgmt – High</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | 1. Appoint Community Service Board | 3/14 |
| | 2. Community Services Board: Report on Community Needs, Current Programs, Action Recommendations | 12/14 |
| | 3. Substance Abuse Report | 6/14 |
| | 4. The Alliance Report | 6/14 |
| Responsibility: Social Services/Police | | |

ACTION: PARKS AND RECREATION NEEDS ASSESSMENT

| |
|--------------------|
| PRIORITY |
| <i>Mgmt – High</i> |

Key Issues

Activities/Milestones

Time

- | | |
|------------------------------|-------|
| 1. Complete RFQ | 2/14 |
| 2. Work Out Terms | 3/14 |
| 3. Complete Assessment Study | 9/14 |
| 4. Council Presentation | 10/14 |
| <hr/> | |
| 1. Complete RFQ | 8/14 |
| 2. Finalize Terms | 9/14 |
| 3. Complete Assessment Study | 5/15 |
| 4. Council Presentation | 6/15 |

Responsibility: Parks and Recreation

► **Management in Progress 2014 – 2015**

- | | |
|-----------------------------------------------------------------------|-------------|
| | <u>Time</u> |
| 1. Police Department Survey: Report and Actions | 2/14 |
| 2. Field Maintenance Plan: Implementation | 3/14 |
| 3. Community Gardens: Pilot Project | 3/14 |
| 4. SWAT Truck | 4/14 |
| 5. Neighborhood Walking Tours and Council Report on Finding (CRT/CDC) | 4/14 |
| 6. Heroin Use Reduction Action Plan | 4/14 |
| 7. Blighted Structure Report | 5/14 |
| 8. Social Services Emergency Management Plan | 7/14 |
| 9. Active Shooter Program/Training | 8/14 |
| 10. Cal Ripken World Series | 8/14 |
| 11. Rental Space at Youth Development Center | 9/14 |
| 12. Comprehensive Service Act: Corrective Action Plan | 12/14 |
| 13. Aquatics Facelift (Outdoor/Indoor) | 3/15 |
| 14. Comprehensive Zoning Ordinance: Revision | 6/15 |
| 15. 414 South Braddock Street Resolution | TBD |
| 16. Online Participant Registration for Web Trac | TBD |

► **Major Projects 2014 – 2015**

| | <i>Time</i> |
|-----------------------------------------------------------|-------------|
| 1. Bermuda Grass Fields: Staffing and Equipment | 4/14 |
| 2. Parks: ADA Compliance (Phase I) | 6/14 |
| 3. Skate Pavilion | 6/14 |
| 4. South Loudoun/Abrams Creek Drainage Project | 6/14 |
| 5. Citywide Sidewalk Improvements: Phase II Project | 6/14 |
| A. Loudoun (Wyck to City Limit) | |
| B. Cork Street (Pleasant Valley to Washington) | |
| 6. Green Circle Trail: Phase II Project | 9/14 |
| 7. Bridgeforth Stadium: Turf | 11/14 |
| 8. I-81 Interchange (VDOT) – Exit 313: Preliminary Design | 12/14 |
| 9. East Lane/Piccadilly/National Avenue Realignment | 12/14 |
| 10. Tevis Street Extension: Design | 2/15 |
| 11. Jim Barnett Park and Signage Beautification: Phase I | 3/15 |
| 12. Green Circle Trail Phase III: Design | 3/15 |
| 13. Hope Drive Extension: Design | 5/15 |
| 14. Valley Avenue Sidewalk/Drainage Improvements: Design | 6/15 |
| 15. Millwood Avenue Improvement (with SU) | 6/15 |
| 16. Nester Drive Extension | TBD |
| 17. Tevis Bridge (VDOT) | TBD |

| | |
|---------------|-----------------------------------------------|
| GOAL 3 | DEVELOP A HIGH PERFORMING ORGANIZATION |
|---------------|-----------------------------------------------|

| ACTION: PUBLIC SAFETY COMMUNICATIONS SYSTEM | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">PRIORITY</td> </tr> <tr> <td style="padding: 2px;"><i>Policy – Top</i></td> </tr> </table> | PRIORITY | <i>Policy – Top</i> | | | | | | | | | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|---------------------|--|-------------------------|------|--|----------------|------|--|----------------------------------|------|--|-----------------|------|--|
| PRIORITY | | | | | | | | | | | | | | | | |
| <i>Policy – Top</i> | | | | | | | | | | | | | | | | |
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| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> | | | | | | | | | | | | | | |
| | 1. Explore Alternatives | Done | | | | | | | | | | | | | | |
| | 2. Gather Data | Done | | | | | | | | | | | | | | |
| | 3. Council Presentation/Decision | 3/14 | | | | | | | | | | | | | | |
| | 4. Construction | 2016 | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Responsibility: Emergency Management</td> </tr> </table> | | Responsibility: Emergency Management | | | | | | | | | | | | | | |
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| ACTION: INCENTIVES FOR CITY/SCHOOL EMPLOYEES | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">PRIORITY</td> </tr> <tr> <td style="padding: 2px;"><i>Policy – High</i></td> </tr> </table> | PRIORITY | <i>Policy – High</i> | | | | | | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------|--|------------------------------------------------|------|--|-------------------|-------|--|--------------------------------|-------|--|
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| <i>Policy – High</i> | | | | | | | | | | | | | |
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| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> | | | | | | | | | | | |
| | 1. Complete Analysis and Evaluation of Options | 9/14 | | | | | | | | | | | |
| | 2. Prepare Report | 10/14 | | | | | | | | | | | |
| | 3. Council Decision: Direction | 12/14 | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Responsibility: Finance/City Attorney</td> </tr> </table> | | Responsibility: Finance/City Attorney | | | | | | | | | | | |
| Responsibility: Finance/City Attorney | | | | | | | | | | | | | |

| ACTION: COMMUNITY EVENTS POLICY: REVIEW | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">PRIORITY</td> </tr> <tr> <td style="padding: 2px;"><i>Policy – High</i></td> </tr> </table> | PRIORITY | <i>Policy – High</i> | | | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|----------------------|--|-------------------|------|--|---------------------------------------|------|--|
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| <i>Policy – High</i> | | | | | | | | | | |
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| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> | | | | | | | | |
| | 1. Present Report | 1/14 | | | | | | | | |
| | 2. Council Decision: Policy Direction | 3/14 | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Responsibility: Downtown Manager</td> </tr> </table> | | Responsibility: Downtown Manager | | | | | | | | |
| Responsibility: Downtown Manager | | | | | | | | | | |

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|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| ACTION: | CITIZENS/COMMUNITY SURVEY | PRIORITY |
| | | <i>Policy – Mod</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| \$ | <ol style="list-style-type: none"> 1. Develop Proposal 2. Council Decision: Funding 3. Complete Survey | <ol style="list-style-type: none"> 2/14 6/14 12/14 |
| Responsibility: Communications | | |

| | | |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| ACTION: | SUCCESSION PLANNING: DEVELOPMENT | PRIORITY |
| | | <i>Mgmt – Top</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| \$ | <ol style="list-style-type: none"> 1. Define Scope, Approach, Funding 2. Develop Budget Proposal 3. Council Decision: Direction | <ol style="list-style-type: none"> 2/14 3/14 6/14 |
| Responsibility: Human Resource | | |

| | | |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| ACTION: | COMPREHENSIVE MUNICIPAL FACILITIES/HISTORIC BUILDING MAINTENANCE PLAN | PRIORITY |
| | | <i>Mgmt – Top</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | <ol style="list-style-type: none"> 1. Determine Scope and Cost Estimate 2. Develop Budget 3. Council Decision: Funding | <ol style="list-style-type: none"> 3/14 3/14 6/14 |
| Responsibility: Public Service | | |

| <p>ACTION: HUMAN RESOURCES: POLICY AND PROCEDURES</p> <p><u>Key Issues</u></p> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">PRIORITY</th> </tr> <tr> <td style="text-align: center;"><i>Mgmt – High</i></td> </tr> </table> <table style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>Activities/Milestones</u></th> <th style="text-align: left;"><u>Time</u></th> </tr> </thead> <tbody> <tr> <td>1. Prepare Draft</td> <td>10/14</td> </tr> <tr> <td>2. Finalize Recommendations</td> <td>11/14</td> </tr> <tr> <td>3. Council Decision: Approval</td> <td>12/14</td> </tr> </tbody> </table> | PRIORITY | <i>Mgmt – High</i> | <u>Activities/Milestones</u> | <u>Time</u> | 1. Prepare Draft | 10/14 | 2. Finalize Recommendations | 11/14 | 3. Council Decision: Approval | 12/14 |
|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|--------------------|------------------------------|-------------|------------------|-------|-----------------------------|-------|-------------------------------|-------|
| PRIORITY | | | | | | | | | | | |
| <i>Mgmt – High</i> | | | | | | | | | | | |
| <u>Activities/Milestones</u> | <u>Time</u> | | | | | | | | | | |
| 1. Prepare Draft | 10/14 | | | | | | | | | | |
| 2. Finalize Recommendations | 11/14 | | | | | | | | | | |
| 3. Council Decision: Approval | 12/14 | | | | | | | | | | |
| Responsibility: Human Resource | | | | | | | | | | | |

| <p>ACTION: PUBLIC SERVICES FACILITY/MUNICIPAL SERVICE CENTER: DIRECTION</p> <p><u>Key Issues</u></p> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">PRIORITY</th> </tr> <tr> <td style="text-align: center;"><i>Mgmt</i></td> </tr> </table> <table style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>Activities/Milestones</u></th> <th style="text-align: left;"><u>Time</u></th> </tr> </thead> <tbody> <tr> <td>1. Assess Space Needed and Current Condition</td> <td>5/14</td> </tr> <tr> <td>2. Develop Conceptual Plans with Cost Estimates</td> <td>12/14</td> </tr> <tr> <td>3. Council Decision: Direction, Funding Mechanism</td> <td>6/15</td> </tr> </tbody> </table> | PRIORITY | <i>Mgmt</i> | <u>Activities/Milestones</u> | <u>Time</u> | 1. Assess Space Needed and Current Condition | 5/14 | 2. Develop Conceptual Plans with Cost Estimates | 12/14 | 3. Council Decision: Direction, Funding Mechanism | 6/15 |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------|------------------------------|-------------|----------------------------------------------|------|-------------------------------------------------|-------|---------------------------------------------------|------|
| PRIORITY | | | | | | | | | | | |
| <i>Mgmt</i> | | | | | | | | | | | |
| <u>Activities/Milestones</u> | <u>Time</u> | | | | | | | | | | |
| 1. Assess Space Needed and Current Condition | 5/14 | | | | | | | | | | |
| 2. Develop Conceptual Plans with Cost Estimates | 12/14 | | | | | | | | | | |
| 3. Council Decision: Direction, Funding Mechanism | 6/15 | | | | | | | | | | |
| Responsibility: Public Works | | | | | | | | | | | |

| <p>ACTION: UTILITY BILLING SYSTEM: ONLINE</p> <p><u>Key Issues</u></p> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">PRIORITY</th> </tr> <tr> <td style="text-align: center;"><i>Mgmt</i></td> </tr> </table> <table style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>Activities/Milestones</u></th> <th style="text-align: left;"><u>Time</u></th> </tr> </thead> <tbody> <tr> <td>1. Develop Proposal</td> <td>3/14</td> </tr> <tr> <td>2. Council Decision: Funding</td> <td>6/14</td> </tr> </tbody> </table> | PRIORITY | <i>Mgmt</i> | <u>Activities/Milestones</u> | <u>Time</u> | 1. Develop Proposal | 3/14 | 2. Council Decision: Funding | 6/14 |
|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------|------------------------------|-------------|---------------------|------|------------------------------|------|
| PRIORITY | | | | | | | | | |
| <i>Mgmt</i> | | | | | | | | | |
| <u>Activities/Milestones</u> | <u>Time</u> | | | | | | | | |
| 1. Develop Proposal | 3/14 | | | | | | | | |
| 2. Council Decision: Funding | 6/14 | | | | | | | | |
| Responsibility: Public Service/Information Technology | | | | | | | | | |

► **Management in Progress 2014 – 2015**

| | <u>Time</u> |
|---------------------------------------------------------------|-------------|
| 1. Recreation Fees: Review | Done |
| 2. New Testing for Police Officers | Done |
| 3. City Owned Property Report and Map | 1/14 |
| 4. City Reorganization Plan: New Phase | 2/14 |
| 5. Boards/Commissions: Orientation Program | 2/14 |
| 6. Emergency Operations Plan: Revision | 3/14 |
| 7. Information Technology Master Plan | 4/14 |
| 8. Hiring Process: Review/Revision | 4/14 |
| 9. Emergency Management Social Media | 4/14 |
| 10. Affordable Care Act: Part Time Employees | 4/14 |
| 11. Volunteer Organizations Active in Disaster (Regional) | 5/14 |
| 12. Fire Code and Permit Updates (including Fire Inspections) | 5/14 |
| 13. Employee Annual Performance Review | 5/14 |
| 14. Emergency Management Professional Development Series | 6/14 |
| 15. Performance Measures: Refinement | 6/14 |
| 16. Building Permit Fee Schedule: Review | 6/14 |
| 17. Fire and EMS Reporting System: Implementation | 7/14 |
| 18. Hazmat Vehicle Storage | 7/14 |
| 19. SunGard Enterprise Software: Web Enablement | 7/14 |
| 20. City Hall Security Plan | 7/14 |
| 21. Fire Volunteer Recruitment and Retention Program | 9/14 |
| 22. Time and Attendance Software (Citywide) | 9/14 |
| 23. Employee Survey | 9/14 |
| 24. Student Internship/Work Study Program: Formalization | 9/14 |
| 25. Employee Wellness Program | 12/14 |
| 26. Payroll Process Software: Implementation | 12/14 |
| 27. Comprehensive Formal Communications and Marketing Plan | 12/14 |
| 28. Personal Property Application Software | 2016 |
| 29. Real Estate Application Software | TBD |

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| GOAL 4 | CONTINUE REVITALIZATION OF HISTORIC OLD TOWN |
|---------------|-----------------------------------------------------|

| | | |
|-------------------------------------------------------|--------------------------------------------------|-------------|
| ACTION: HISTORIC OLD TOWN GATEWAY ENHANCEMENTS | PRIORITY | |
| | <i>Policy – High</i> | |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | A. National Avenue – East Lane | |
| | 1. Complete Property Acquisition | 4/14 |
| | 2. Council Decision: Roundabout or Straight Road | 4/14 |
| | 3. Construction | 12/14 |
| | B. Southside Cork Street | |
| | 1. Council Presentation | 1/14 |
| Responsibility: Public Service/Planning | | |

| | | |
|--------------------------------------------------------------------------------------------|--------------------------------|-------------|
| ACTION: COMPREHENSIVE PARKING STRATEGY (RESIDENTIAL, CREDIT CARD, SELF SUFFICIENCY) | PRIORITY | |
| | <i>Policy – Mod</i> | |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | 1. Prepare Report | 12/14 |
| | 2. Council Presentation | 1/15 |
| | 3. Council Decision: Direction | 2/15 |
| Responsibility: Parking | | |

| | | |
|----------------------------------------------------------------------|--------------------------------------------|-----------------|
| ACTION: DOWNTOWN BRANDING AND MATERIALS PLAN: DEVELOPMENT | | PRIORITY |
| | | <i>Policy</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| \$ | 1. Prepare Report | 3/14 |
| | 2. Council Decision: Direction, Funding | 6/14 |
| | 3. Prepare Implementation Plan | 9/14 |
| Responsibility: Downtown Manager/Contractor | | |

| | | |
|----------------------------------------------|-------------------------------|-------------------|
| ACTION: EVENTS COORDINATOR AND POLICY | | PRIORITY |
| | | <i>Mgmt - Top</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | 1. Complete Events Assessment | 1/14 |
| | 2. Review Events Policy | 5/14 |
| | 3. Implement Fee Changes | 1/15 |
| Responsibility: Downtown Manager | | |

| | | |
|----------------------------------------------------------|------------------------------|--------------------|
| ACTION: NATIONAL HISTORIC DISTRICT: EXPANSION | | PRIORITY |
| | | <i>Mgmt - High</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| | 1. Apply for Grant | 2/14 |
| | 2. Grant Notification | 7/14 |
| | 3. Complete RFQ | 8/14 |
| | 4. Complete Study | 12/15 |
| | 5. Council Direction | 12/15 |
| Responsibility: Planning | | |

| | | |
|----------------------------------------------------------------|------------------------------|-----------------|
| ACTION: MARKET RATE HOUSING UNIT (25): CONSTRUCTION | | PRIORITY |
| | | <i>Mgmt</i> |
| <u>Key Issues</u> | <u>Activities/Milestones</u> | <u>Time</u> |
| Responsibility: Economic Development | | |

| | | |
|----------------------------------------------------------------------|--|--------------|
| ► Management in Progress 2014 – 2015 | | <u>Time</u> |
| 1. Trolley: Policy on Use | | 2/14 |
| 2. Downtown Public Safety Security Plan: Update Report | | 4/14 |
| 3. Downtown Façade Improvement Program: Grant, Enterprise Funding | | 4/14/Ongoing |
| 4. Historic District Design Guidelines: BAR Manual for New Materials | | 5/14 |
| 5. Fly Tower Lease | | 5/14 |
| 6. Downtown Business Outreach: Process Review, Update Report | | 8/14 |
| 7. George Washington Hotel Parking Study | | 11/14 |
| 8. Parking Payment: Credit Cards and Debit Cards | | 11/14 |

| | | |
|----------------------------------------|--|-------------|
| ► Major Projects 2014 – 2015 | | <u>Time</u> |
| 1. Taylor Hotel Project: Public Spaces | | 5/14 |
| 2. Cork Street Sidewalks | | 6/14 |
| 3. Parking Garage Improvements | | 9/14 |
| 4. Green Circle Trail (Downtown Phase) | | 10/14 |

**CITY OF WINCHESTER
POLICY CALENDAR 2014 – 2015**

MONTH

JANUARY 2014

1. Council Decision: Monticello Street to Battaile Drive Build or no Build
2. Council Decision: John Kerr Elementary School - School Recommendation and Council Action
3. Council Direction: Boundary for "North End"
4. Council Presentation: Southside Cork Street Gateway

MONTH

FEBRUARY 2014

1. Council Presentation and Decision: Conference Center Direction
2. Council Decision: Enterprise Zone Funding Agreement

MONTH

MARCH 2014

1. Council Decision: Meadow Branch Avenue Development Direction and Land Use
2. Council Decision: Enterprise Zone Ordinance
3. Council Presentation and Decision: Public Safety Communications System Direction
4. Council Decision Community Events Policy Direction

MONTH

APRIL 2014

1. Council Decision: National Avenue-East Lane Roundabout or Straight Road
2. Council Presentation: Storm Water Management Policy and Utility

MONTH

MAY 2014

1. Council Decision: CE Overlay for Fairmont Avenue
2. Council Decision: Fly Tower Lease
3. Council Decision: BAR Manual for New Materials (Historic District Guidelines)

MONTH

JUNE 2014

1. Council Decision: Budget for Re-classification of EDA Staff
2. Council Decision: Retail Study Scope/Costs and Funding
3. Council Decision: Fairmont Avenue Funding
4. Council Decision: Storm Water Utility
5. Council Presentation: School CIP/Facility Study
6. Council Decision: Funding for After School Programs for Middle School
7. Council Decision: Funding for Timbrook Youth Development Center
8. Council Decision: Housing Stock Study Direction and Funding
9. Council Decision: Frederick Douglass Park Development Direction on Improvements and Funding
10. Council Presentation: Substance Abuse Report

JUNE 2014 (Continued)

11. Council Presentation: The Alliance Report
12. Council Decision: Citizens/Community Survey Funding
13. Council Decision: Comprehensive Municipal Facilities/Historic Buildings Maintenance Plan Funding
14. Council Decision: Succession Planning Proposal Funding
15. Council Decision: Utility Billing System Online Funding
16. Council Decision: Public Services Facility/ Municipal Service Center Direction and Funding
17. Council Decision: Downtown Branding and Materials Plan Direction and Funding
18. Council Decision: JJC Phone System Upgrade Funding
19. Council Decision: Staffing Funding

MONTH

JULY 2014

1. Council Presentation: City Relations with Business - Survey Findings and Recommended Actions
2. Council Presentation and Decision: Uniform Gateway Sign Design

MONTH

AUGUST 2014

1. Council Decision: Meadow Branch Avenue Comprehensive Plan Amendments
2. Council Decision: Award Contract for Retail Study
3. Council Decision: CE Overlay for National Avenue

MONTH

SEPTEMBER 2014

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MONTH

OCTOBER 2014

1. Council Decision: Zero Pak Rezoning for Residential Use and Road Re-alignment
2. Council Presentation: Parks and Recreation Needs Assessment Report

MONTH

NOVEMBER 2014

1. Council Decision: Meadow Branch Avenue Zoning Changes
2. Council Presentation: Fairmont Avenue Study
3. Council Presentation: North Loudoun Study
4. Council Presentation: Berryville Avenue Study

MONTH

DECEMBER 2014

1. Council Decision: Conference Center Funding
2. Council Presentation and Decision: Patsy Cline Economic Development Strategy/Major Festival Direction and Funding
3. Council Decision: Millwood Avenue University Drive Dedication
4. Council Decision: Fairmont Avenue Direction and Funding
5. Council Decision: North Loudoun Street Direction and Funding
6. Council Decision: Berryville Avenue Direction and Funding
7. Council Decision: Millwood Avenue
8. Council Decision: Gateway Sign Cedar Creek Grade Direction and Funding
9. Council Decision: Gateway Sign Amherst Street
10. Council Presentation and Decision: North End Development Strategy Direction, Actions, and Funding (if necessary)

DECEMBER 2014 (Continued)

11. Council Decision: Social Beverage Approval/Beer and Wine at War Memorial Building and Amphitheater
12. Council Decision: Development Standards and Subdivision Ordinance Revision
13. Council Presentation and Decision: Douglas Learning Center Report Acceptance and Future Direction
14. Council Presentation: Community Service Board Report
15. Council Presentation and Decision: Incentives for City/Schools Employees Report and Direction
16. Council Decision: Human Resource Policy and Procedures
17. Council Presentation: Comprehensive Formal Communications and Marketing Plan

SECTION 6

GOVERNANCE REFINEMENTS: MAYOR – CITY COUNCIL IN ACTION

City of Winchester Mayor and City Council Governance Topics

1. Regular Communications between Council President, City Manager and Entire Council: Complete, Same Information to All, Timely, Seeking Mayor and City Council Input/Advice/Guidance of Issues and Actions, No Surprises, Management/Administrative Decisions/Actions
2. Civility and Respect for Position and Persons: City Manager - Comments to Others, Comments in the City Organization
3. Project/Action Agenda: Update Reports (regularly/more than quarterly), Weekly Reports on Major Items
4. Overall Communications among Mayor and City Council: Keeping Each Other Informed, beyond eMail
5. Council Reports: Options, Unbiased/Cons and Potential Consequences Discussion
6. More Council Discussion on Critical Topics/Projects in Council Meeting/Executive Sessions, Slowing the Process for Discussion if Necessary
7. Council Questions on Agenda Items: Process, Contact with Department Heads, Timely and Complete Response
8. Role/Responsibilities of Assistant City Manager and Relationship to Mayor and City Council
9. Expectations, Responsibilities and Actions for: Council as the "Board of Directors", Council President, Council Vice President, City Manager as "CEO"
10. Council Protocols: Review and Refinement
11. Council Engaged and Prepared for Meetings: Reminder
12. City Manager-City Attorney Relationship and Expectations

13. Clerk to Council: Direction (independent of City Manager)
14. Strategic Planning Process: Guiding Document, Policy Direction, Performance Monitoring, Use of Work Sessions to Defined Direction and Outcomes, Not a "Hammer" against Council
15. Creating a Positive Work Environment in the City Organization: Outcomes, Actions
16. Community Presence: Council Attendance at Community Events and Meetings
17. Informal Time: Getting to Know Each Other, Informal Team Buildings
18. Council Outreach to City Employees: Roles and Actions
19. Use of Executive Sessions: Criteria, Commonwealth Laws
20. Intergovernmental Outreach to County and Schools: Getting to Know Each Other, Regular Meetings

House Rules Our Code of Conduct

- 1. Respect others: Mayor/Council members, Staff, Residents**
- 2. Listen and strive to understand before judging**
- 3. Agree to disagree; move on to the next issue**
- 4. Support the Council's decisions and City policies**
- 5. Come prepared and ready to work**
- 6. Communicate in an open, candid manner- no surprises**
- 7. Have an alternative if you do not like it**
- 8. Keep confidential information confidential**

*** Agreed upon 12/12 by Mayor and City Council**

Mayor and City Council Protocols Operating Guidelines for City Council and City Manager

Protocol 1

Simple Information – Available to the Public

1. Contact City Manager/Assistant City Manager/Department Head.
2. Copy the City Manager.
3. eMail information goes to all Mayor and Council members

Protocol 2

Research on a Topic (Ongoing)

1. Contact City Manager.
2. Provide topic, background information, link to strategic plan.
3. City Manager decides direction and assignment.

Protocol 3

Citizen Service Request

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| <p>A. 1st Contact</p> <ol style="list-style-type: none">1. Refer to appropriate office2. Staff provide prompt response3. If City Manager contacted, there will be accountability4. Staff notifies Council of actions/timeframe | <p>B. Unsatisfactory Contact</p> <ol style="list-style-type: none">1. Get name and department2. Contact City Manager and share information3. Staff notifies Council of actions/ time frame |
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Protocol 4

Agenda

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| <p>A. Placing an item</p> <ol style="list-style-type: none">1. Contact Council President by Tuesday noon | <p>B. Question on item</p> <ol style="list-style-type: none">1. Contact City Manager/Assistant City Manager/ Department Head2. eMail Information goes to all Mayor and Council members3. Ask questions before meeting4. Bring questions to a work session |
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| Protocol 5 | Urgent Information |
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- Les Text
- Mayor Call cell
- Milt Text
- Jeff Text
- John W Text
- John H Home phone
- Ben Text
- Evan Text
- John T Text

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| Protocol 6 | Communications: Council and Staff |
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1. Information should go to all Mayor and Council members at the same time.
2. Mayor/Council members should inform each other of meetings or information obtained.

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| Protocol 7 | Employee Contact |
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| A. Employee initiated | B. Council initiated |
| <ol style="list-style-type: none">1. Ask: have they contacted the City Manager2. Refer employee to City Manager | <ol style="list-style-type: none">1. Council should avoid contact |

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| Protocol 8 | Email |
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1. Email: public record and subject to public disclosure.
2. If you send an email, be prepared to read it in the headlines.
3. Responses to emails will be provided to Mayor and Council.

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| Protocol 9 | Representative/Liaison |
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1. Report to Mayor and Council: key points, questions for direction.
2. Listen to discussion (avoid commitments).
3. Represent Council direction.

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| Protocol 10 | Work/Study Sessions |
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- Allow everyone to speak one time, before round two of discussion.
- Avoid sidebar conversations.
- Place cell phones on vibration.
- Add “Public Comment” at the beginning (10 minute limit).

Refinements

- Council President should test Council direction and summarize key points.
- Informal setting – all Mayor/Council and City staff around a table.
- Television session – to be continued.

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| Protocol 11 | Complex Information/New Topics |
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1. Complete Referral Form – City Manager will share with Mayor and Council members.
2. Send to City Manager.
3. Place topic in Work Session under “Referral Topics”..
4. Council decides on action

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| Protocol 12 | Staff Reports |
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1. Provide balanced thorough analysis.
2. Provide options/alternatives.
3. Provide recommendations with justification.

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| Protocol 13 | Legal Questions |
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1. Contact City Attorney: email with copy to Mayor and Council.

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| Protocol 14 | Confidential Information |
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1. Keep information confidential.

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| Protocol 15 | Action Agenda Updates |
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1. Mayor and Council expressed desire to have brief monthly updates
2. City Manager is developing possible matrix format

Work Session – Typology

| <p style="text-align: center;">WORK SESSION TYPE I PRE-REPORT</p> | <p style="text-align: center;">WORK SESSION TYPE II DRAFT REPORTS</p> | <p style="text-align: center;">WORK SESSION TYPE III BRIEFING</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">Provide direction and guidance on major issues before staff analysis and report preparation</p> | <p style="text-align: center;">Refine proposed reports and recommendations prior to formal presentation and action</p> | <p style="text-align: center;">Brief Mayor and City Council on major issues, upcoming opportunities and operational matters</p> |
| <p style="text-align: center;"><u>TOPICS:</u></p> <ol style="list-style-type: none"> 1. Define the Problems 2. Identify Issues 3. Establish Parameters and Guidelines 4. Focus on Possible Outcomes 5. Outline Process and Possible Next Steps 6. Decide Whether or Not Worth Pursuing | <p style="text-align: center;"><u>TOPICS:</u></p> <ol style="list-style-type: none"> 1. Present Background Information 2. Review and Highlights of Analysis and Options 3. Review and Refine Recommendations 4. Finalize Desired Goals and Outcomes 5. Outline Next Steps | <p style="text-align: center;"><u>TOPICS:</u></p> <ol style="list-style-type: none"> 1. Present Background 2. Discuss Topics 3. Explore City's Role or Need for Action 4. Focus on Overall Policy Direction and Guidelines |