



WINCHESTER COMMON COUNCIL

July 14, 2015

AGENDA

6:00 P.M.

CALL TO ORDER AND ROLL CALL

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – June 23, 2015 Regular Meeting and June 23, 2015 Work Session

REPORT OF THE MAYOR

REPORT OF THE CITY MANAGER

REPORT OF THE CITY ATTORNEY

1.0 PUBLIC HEARINGS

- 1.1 **O-2015-14:** Second Reading: AN ORDINANCE TO AMEND SECTION 2-157 OF THE WINCHESTER CITY CODE TO CLARIFY CREATION OF CHIEF FINANCIAL OFFICER AND DIRECTOR OF SUPPORT SERVICES (**REQUIRES ROLL-CALL VOTE**)(pages 3-6)
- 1.2 **CU-15-256:** Conditional Use Permit – Request of Welby Lehman on behalf of Sacred Heart Academy for a proposed structure exceeding an 8,000 square foot footprint, more than 85 feet from the public right of way, having roof pitches less than 6:12, and excessive wall spans exceeding more than otherwise permitted by right at 110 Keating Drive (Map Number 149-01--6) zoned Low Density Residential (LR) District with Corridor Enhancement (CE) District Overlay zoning. (pages 7-18)
- 1.3 **CU-15-259:** Conditional Use Permit – Request of Painter-Lewis, P.L.C. on behalf of Glass-Glen Burnie Foundation for museums and art galleries operated in conjunction with buildings designated as Historic Landmarks to support phased expansion of the Museum of the Shenandoah Valley located at 801 Amherst Street (Map Number 171-1-21) zoned Education, Institution and Public Use (EIP) District with some Historic Winchester (HW) District Overlay and some Corridor Enhancement (CE) District Overlay zoning and at 901 Amherst Street (Map Number 191-1-8) mostly zoned Low Density Residential (LR) District and partly zoned EIP District with some CE District. (pages 19-54)

2.0 PUBLIC COMMENTS

3.0 CONSENT AGENDA

- 3.1 R-2015-25:** Resolution – Authorize the approval of the Shenandoah Valley Chief Elected Officials Consortium Agreement effective July 1, 2015 (pages 55-66)

4.0 AGENDA

- 4.1 Motion** to appoint Scott Spriggs as recommended by the President of Shenandoah University as the Shenandoah University Representative to the Old Town Development Board

5.0 EXECUTIVE SESSION

- 5.1 MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION**

6.0 ADJOURNMENT

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: June 9, 2015 CUT OFF DATE:

RESOLUTION ORDINANCE X PUBLIC HEARING

ITEM TITLE:

Change in ordinance to reflect new title for Finance Director

STAFF RECOMMENDATION:

Correct title to ensure consistency with budget and City Code

PUBLIC NOTICE AND HEARING:

N/A

ADVISORY BOARD RECOMMENDATION:

N/A

FUNDING DATA:

Funding provided in FY 2016 budget

INSURANCE:

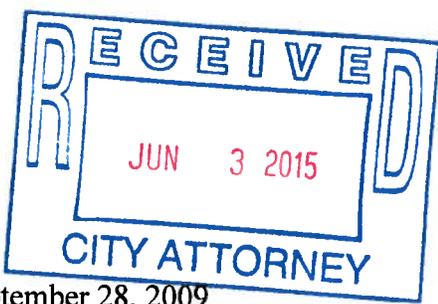
No liability assumed.

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. Human Resources _____	<u>TBS</u>	_____	<u>5/28/15</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney	<u>[Signature]</u>	_____	<u>6/13/2015</u>
6. City Manager	<u>[Signature]</u>	_____	<u>3 Jun 15</u>
7. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: [Signature: Eden Freeman] Date: 1 Jun 2015

Eden Freeman, City Manager



CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Eden Freeman, City Manager

Date: June 9, 2015

Re: Ordinance Change to Clarify Creation of Chief Financial Officer and Director of Support Services

THE ISSUE: After careful review of the City's current operating structure, I am planning to restructure the reporting structure of internal support departments. During the FY16 Budget Process, I identified the creation of the role of "Chief Financial Officer and Director of Support Services" (CFO) as an important part of improving the efficiency of the organization. The planned restructuring will result in the Finance Director assuming the role of overseeing the Information Technology, Human Resources and Finance Departments. My goal is to have less direct reports to the City Manager, which will allow me to become more proactive in meeting the Strategic Goals of the City. The CFO will be a direct report to the City Manager. A copy of the proposed organizational chart is attached.

RELATIONSHIP TO STRATEGIC PLAN: Goal Four: Improve City Services and Advance the City's Strategic Plan Goals by Promoting a Culture of Transparency, Efficiency and Innovation

BACKGROUND: While they work together on specific projects, currently, the Information Technology, Human Resources and Finance Departments, are separate in terms of how the departments are managed. Under the restructuring, the departments will still be separate, but they will be under the "umbrella" of Support Services since their work supports the work of all other City departments. This change will create a more structured team effort on an ongoing basis and improve processes and overall efficiency.

BUDGET IMPACT: The adopted FY 2016 Budget includes the required \$9,200 to cover the cost of this change. This job description, pay grade and salary range for the position was reviewed by our outside vendor that grades and verifies job descriptions and determines how they fall in the pay plan.

OPTIONS: The other option would be to keep these department directors as direct reports to the City Manager, thereby maintaining the status quo organizational structure.

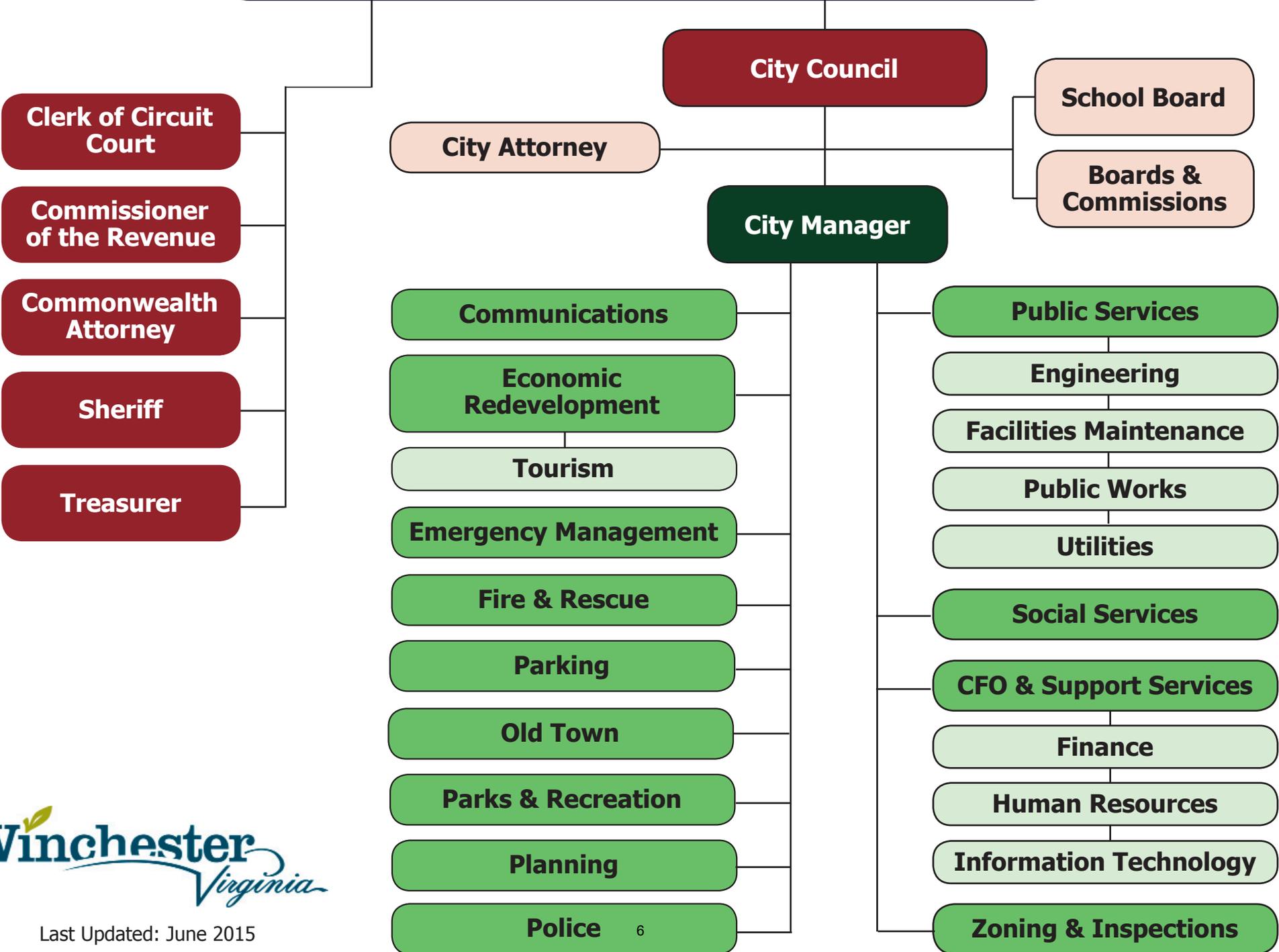
RECOMMENDATIONS: I recommend this change to enhance internal services and improve the overall efficiency of City operations.

SECTION 2-157. OFFICE CREATED; APPOINTMENT.

There is hereby created the office of Finance Director. The Finance Director shall be appointed by the City Manager. The Finance Director may also be referred to as Chief Financial Officer and Director of Support Services which terms shall be deemed synonymous for the purposes of this Code of Ordinances.

Code 1959, §7-9; Ord. of 4-13-76)(Ord. No. 049-95, 10-17-95)

City of Winchester Citizens



CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 6/23/15 (Work Session) **CUT OFF DATE:** 06/19/15
7/14/15 (Regular meeting)

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

ITEM TITLE:

CU-15-256 Request of Welby Lehman on behalf of Sacred Heart Academy for a Conditional Use Permit for a proposed structure exceeding an 8,000 square foot footprint, more than 85 feet from the public right of way, having roof pitches less than 6:12, and excessive wall spans exceeding more than otherwise permitted by right at 110 Keating Drive (Map Number 149-01--6) zoned Low Density Residential (LR) District with Corridor Enhancement (CE) District Overlay zoning.

STAFF RECOMMENDATION:

Approval.

PUBLIC NOTICE AND HEARING:

Public hearing for 07/14/2015 Council meeting.

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval with conditions by a vote of 5-0.

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	AMG		6/16/15
2. City Attorney	<i>[Signature]</i>		6/17/2015
3. City Manager	<i>[Signature]</i>		18 June 2015
4. Clerk of Council			

Initiating Department Director's Signature:
(Planning Dept)

[Signature]

6/16/15



APPROVED AS TO FORM:

[Signature] 6/17/2015
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Tim Youmans, Planning Director
Date: June 17, 2015
Re: **CU-15-256** Request of Welby Lehman on behalf of Sacred Heart Academy for a Conditional Use Permit for a proposed structure exceeding an 8,000 square foot footprint, more than 85 feet from the public right of way, having roof pitches less than 6:12, and excessive wall spans exceeding more than otherwise permitted by right at 110 Keating Drive (Map Number 149-01--6) zoned Low Density Residential (LR) District with Corridor Enhancement (CE) District Overlay zoning.

THE ISSUE:

The applicant is requesting a conditional use permit (CUP) for the addition of a gym at Sacred Heart Academy. The proposed addition is within the Corridor Enhancement Zoning Overlay district for Amherst Street and requires a CUP for design standards that do not meet the provisions set forth in the CE overlay.

RELATIONSHIP TO STRATEGIC PLAN:

Goal # 1: Encourage Sustainable Economic Growth and Partnerships through Business and Workforce Development

BACKGROUND:

See attached staff report

BUDGET IMPACT:

N/A

OPTIONS:

1. Approve as recommended by Planning Commission
2. Approve with modified conditions
3. Deny

RECOMMENDATIONS:

Recommend Option 1

CUP-15-256 Request of Welby Lehman on behalf of Sacred Heart Academy for a Conditional Use Permit for a proposed structure exceeding an 8,000 square foot footprint, more than 85 feet from the public right of way, having roof pitches less than 6:12, and excessive wall spans exceeding more than otherwise permitted by right at 110 Keating Drive (Map Number 149-01--6) zoned Low Density Residential (LR) District with Corridor Enhancement (CE) District Overlay zoning.

REQUEST DESCRIPTION

The applicant is requesting a Conditional Use Permit (CUP) for the expansion of Sacred Heart Academy (SHA) with a gymnasium addition to the north of the existing school. The proposed gym is within the Amherst Street Corridor Enhancement Zoning Overlay District and is deviating from standards for building design set in article 14.2-6 of the Zoning Ordinance.

AREA DESCRIPTION

The subject property is zoned LR and has CE overlay zoning on the west and north portions of the overall site which are most visible from Amherst Street and Meadow Branch Avenue (both the existing and proposed portions). The CE District runs along the back (east) side of the school building and along the front (north) elevation and part of the east and west elevations of the church building.

The Sacred Heart property is connects to Amherst Street via Keating Drive (a private street). To the west of Keating Drive is the vacant parcel zoned LR. To the east of Keating is the Gateway Medical Center, which is zoned Residential Office, RO-1. Also to the east of the property is the Frederick County School Board office that is zoned LR and contains some athletic fields.



To the west and the south rear-facing portion of the property is proposed extension of Meadow Branch Avenue, as well as the Ridgewood Orchard Limited Partnership property, which contains portions of conditionally zoned Highway Commercial (B-2) District and Medium Density Residential (MR) with Planned Unit Development (PUD) overlay. The MR portion to the south is slated to be a 170-unit apartment complex while the B-2 portion is intended for a limited array of commercial uses.

STAFF COMMENTS

The CUP relates to four aspects of the SHA gym addition. The first one pertains to proposed building footprint, the second one pertains to roof pitch, the third the setback from the public right of way and fourth the building's façade and excessive wall spans. In 2007, SHA requested a similar CUP for an addition of their private school (which was completed in 2008), seeking approval for a building footprint in excess of 8,000 sq. ft. and roof pitches less than otherwise permitted by right. In the applicant's letter (see attached) to the Planning Director dated May 4, 2015, Mr. Randy Seitz of Blue Ridge Architects, architect for the owner (SHA and the Catholic Diocese of Arlington), outlined their intent to use the same architectural elements and exterior palette of materials for the gym that would be compatible with what was outlined in the 2007 CUP which was built in 2008.

Building Footprint & Setback from Right of Way

The proposed gymnasium addition, with an 11,500 sq. ft. footprint, exceeds the 8,000 "by-right" threshold by 3,500 sq. ft. and is setback farther than 85 feet from the public right of way. The size & scope of the gym addition does not dwarf the other buildings associated with school nor church on the site. Also, the proposed addition to the school is over 500 feet away from Amherst Street Corridor. Since the school building is situated a great distance away from any residences in the area it does not seem out of context and would not have as much impact as it would on the arrival experience as if it were up close to Amherst Street.

Roof Pitch

The submitted architectural elevations depict a standing seam metal pitched roof on the gym addition that will match in style and materials with the existing standing seam metal roof at the school. The proposed pitches on the longer portions of the main roof (running north-south) visible from the west are 3:12 & 2:12 which is a flatter pitch than the 6:12 roof pitch permitted without a CUP in the Amherst Street CE District. By having a lower pitched roof it allows for better views of the existing academy and church, which would otherwise be obstructed or viewed as being towered over if the roof structure had more of a 6:12 pitch.

Building Façade

In article 14.2-6.4e of the Corridor Enhancement Zoning Overlay District, excessive spans of solid walls or glass elevations is typically try to be avoided with the building's façade and the ordinance encourage a ratio 1:1 or 1:2 of transparent to opaque building treatment such as windows or breaks in the façade of the building. Since the proposed use is a gym, long monotonous façades are appropriate for this particular use and the elevations do show the use false window treatments in the form of a translucent daylighting system which closer meets the proper ratios of transparent to opaque building treatment.

Staff received an email comment (see attached) from JJ Smith, partner of the Ridgewood Orchard Limited Partnership and adjoining property owner, indicating he fully supports this CUP request for SHA. With the architectural elements matching the existing buildings on the site and the size of the addition being in proportion to the existing school buildings, City staff has no concerns for this proposed addition and supports this CUP request in support of the school's educational mission.

RECOMMENDATION

For a conditional use permit to be approved, a finding must be made that the proposal as submitted or modified will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood.

At the June 16, 2015 meeting, the Planning Commission forwarded **CU-15-219** to City Council recommending approval because the use, as proposed, will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood. The approval is subject to:

1. General conformity with submitted building elevations and floor plans; and,
2. Staff review and approval of a related site plan.



Conditional Use Application

May 4, 2015

Timothy Youmans, Planning Director, City of Winchester
Rouss City Hall
15 North Cameron Street Suite 318
Winchester, VA 22601

re: Sacred Heart Academy Renovation and Gymnasium Addition

Mr. Youmans:

Sacred Heart Academy (SHA) and the Catholic Diocese of Arlington are planning a gymnasium addition to the existing school at 110 Keating Drive in Winchester. The planned addition is located in the Amherst Street Corridor Enhancement District. The addition is 11,500 square feet.

The project will comply with the provisions of the corridor enhancement, Article 14.2, except for the areas that are included in this Conditional Use Application. The architecture and exterior palette of materials of the addition will be compatible with the previous addition to the school, which was completed in 2008.

Please see floor plan, elevations, and renderings attached to this letter. A preliminary site plan is also included.

Thank you for your consideration. Please contact Welby Lehman with any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Randy Seitz".

Randy Seitz, AIA
Architect/ President, Blue Ridge Architects

c: Welby Lehman, Blue Ridge Architects

Timothy Youmans

From: Timothy Youmans
Sent: Monday, June 01, 2015 8:16 AM
To: 'Smith, JJ'
Subject: RE: CUP-15-256

FILE COPY

JJ
Thank you for your input on this case. We will note your support for this request.
Tim

Timothy A. Youmans
Planning Director

City of Winchester
15 N. Cameron Street
Winchester, VA 22601
Phone: (540) 667-1815 ext. 1415
Email: timothy.youmans@winchesterva.gov



www.winchesterva.gov/planning

From: Smith, JJ [<mailto:JJSmith@valleyproteins.com>]
Sent: Sunday, May 31, 2015 5:00 PM
To: zzPL-PLNGDEPT
Subject: CUP-15-256

I am responding to your letter regarding the Conditional Use Permit for the addition to Sacred Heart Academy.

I serve as manager of Eagle 1976, LLC which is the general partner of Ridgewood Orchard Limited Partnership and an adjoining property owner to the Sacred Heart Church Academy. I am also a resident at 549 Merrimans Lane which is located very close to this project.

I fully support the Academy's request for this Conditional Use Permit.

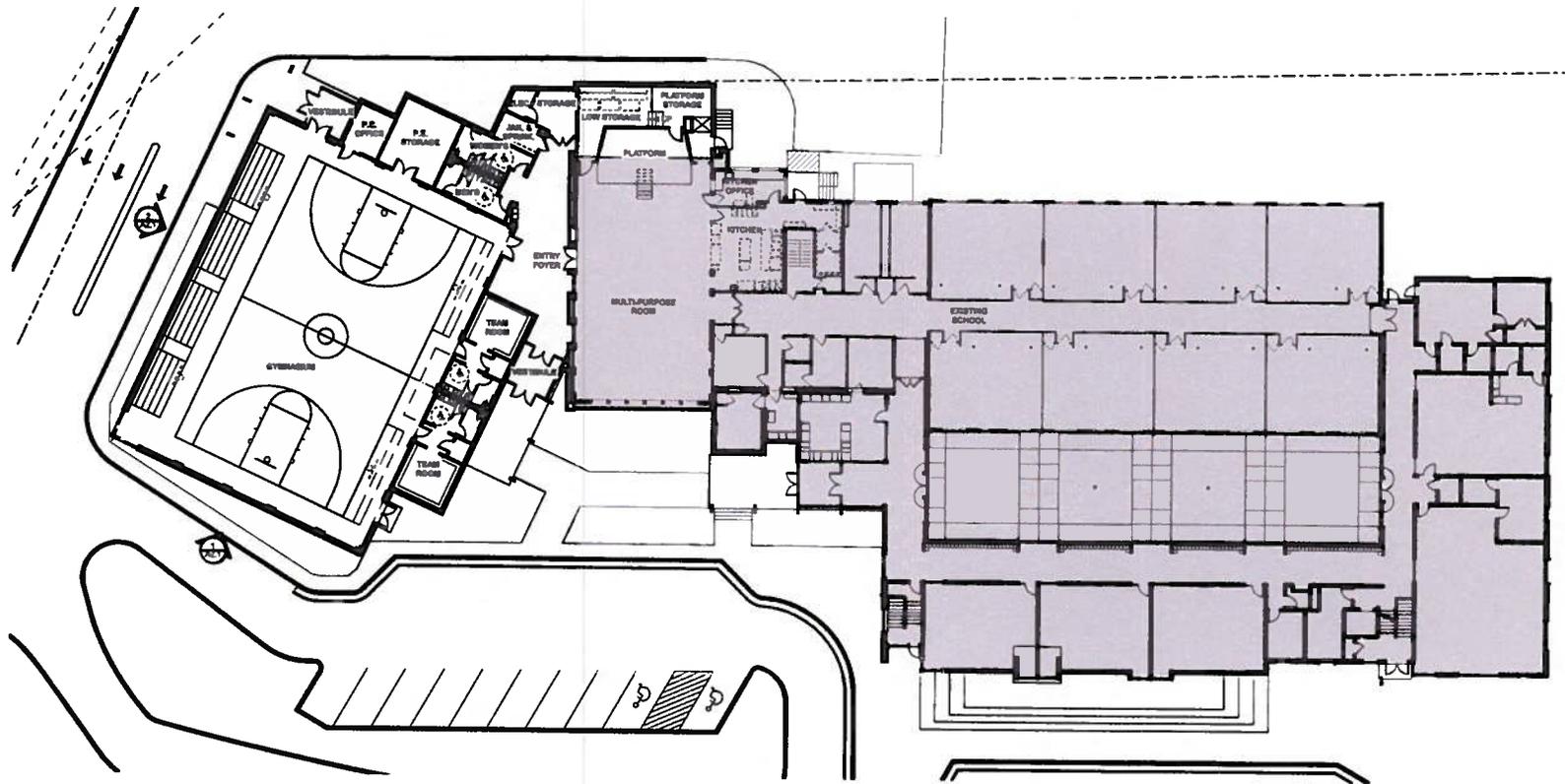
You may contact me at this e-mail address if you have any questions in this regard.

Gerald F. Smith, Jr.

The information transmitted herewith is confidential, proprietary information for use only by the addressee to whom it was supplied. This information is not to be disclosed to any person or entity not employed by the addressee company, and requiring the information to perform their job without the express written consent of Valley Proteins, Inc.

MAIN LEVEL FLOOR PLAN

PROJECT NO.: 01-14-085



110 KEATING DRIVE
WINCHESTER VA 22601

NTS



values in architecture

05/04/2015 0 1

SACRED HEART ACADEMY - GYM ADDITION

NORTH ELEVATION

PROJECT NO.: 01-14-085



110 KEATING DRIVE
WINCHESTER VA 22601

NTS



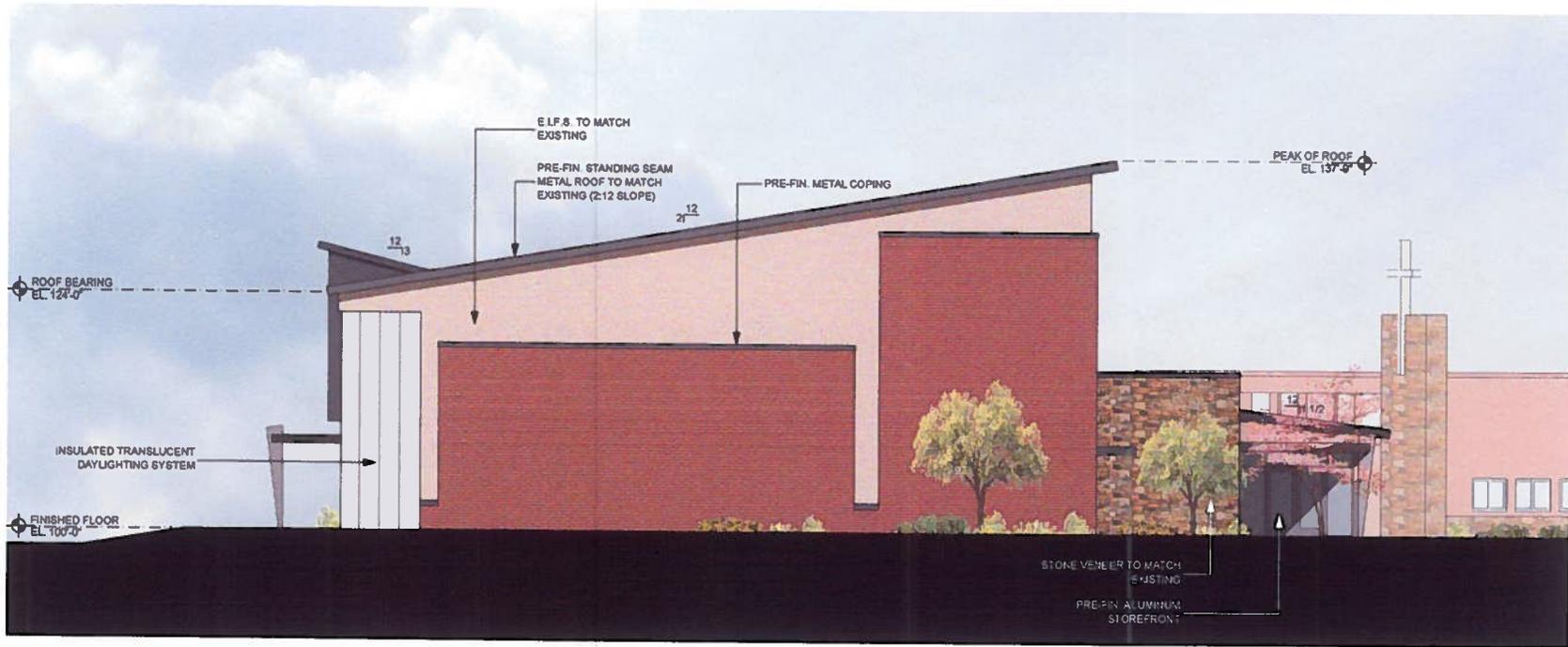
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SACRED HEART ACADEMY - GYM ADDITION

WEST ELEVATION

PROJECT NO.: 01-14-085



110 KEATING DRIVE
WINCHESTER VA 22601

NTS

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SACRED HEART ACADEMY - GYM ADDITION

PERSPECTIVE RENDERING

PROJECT NO.: 01-14-085



110 KEATING DRIVE
WINCHESTER VA 22601

NTS



values in architecture

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SACRED HEART ACADEMY - GYM ADDITION

PERSPECTIVE RENDERING

PROJECT NO. 01-14-085

BLUE RIDGE
ARCHITECTS



110 KEATING DRIVE
WINCHESTER VA 22601

NTS

values in architecture

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SACRED HEART ACADEMY - GYM ADDITION

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CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 6/23/15 (Work Session) **CUT OFF DATE:** 06/19/15
7/14/15 (Regular meeting)

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

ITEM TITLE:

CU-15-259 Request of Painter-Lewis, P.L.C. on behalf of Glass-Glen Burnie Foundation for a Conditional Use Permit for museums and art galleries operated in conjunction with buildings designated as Historic Landmarks to support phased expansion of the Museum of the Shenandoah Valley located at 801 Amherst Street (Map Number 171-1-21) zoned Education, Institution and Public Use (EIP) District with some Historic Winchester (HW) District Overlay and some Corridor Enhancement (CE) District Overlay zoning and at 901 Amherst Street (Map Number 191-1-8) mostly zoned Low Density Residential (LR) District and partly zoned EIP District with some CE District Overlay zoning.

STAFF RECOMMENDATION:

Approval.

PUBLIC NOTICE AND HEARING:

Public hearing for 07/14/2015 Council meeting.

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval with conditions by a vote of 6-0.

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	AMG		6/17/15
2. City Attorney	[Signature]		6/17/2015
3. City Manager	[Signature]		18 June 2015
4. Clerk of Council			

Initiating Department Director's Signature: _____ [Signature] 6/17/15
 (Planning Dept)



CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Tim Youmans, Planning Director
Date: June 17, 2015
Re: **CU-15-259** Request of Painter-Lewis, P.L.C. on behalf of Glass-Glen Burnie Foundation for a Conditional Use Permit for museums and art galleries operated in conjunction with buildings designated as Historic Landmarks to support phased expansion of the Museum of the Shenandoah Valley located at 801 Amherst Street (Map Number 171-1-21) zoned Education, Institution and Public Use (EIP) District with some Historic Winchester (HW) District Overlay and some Corridor Enhancement (CE) District Overlay zoning and at 901 Amherst Street (Map Number 191-1-8) mostly zoned Low Density Residential (LR) District and partly zoned EIP District with some CE District Overlay zoning

THE ISSUE:

The applicant is requesting a conditional use permit (CUP) for multi-phased expansion of uses on the Glass-Glen Burnie property including an Arts & Education Building, an Amphitheater, and an extensive network of trails.

RELATIONSHIP TO STRATEGIC PLAN:

Goal # 1: Encourage Sustainable Economic Growth and Partnerships through Business and Workforce Development

BACKGROUND:

See attached staff report

BUDGET IMPACT:

N/A

OPTIONS:

1. Approve as recommended by Planning Commission
2. Approve with modified conditions
3. Deny

RECOMMENDATIONS:

Recommend Option 1

CUP-15-259 Request of Painter-Lewis, P.L.C. on behalf of Glass-Glen Burnie Foundation for a Conditional Use Permit for museums and art galleries operated in conjunction with buildings designated as Historic Landmarks to support phased expansion of the Museum of the Shenandoah Valley located at 801 Amherst Street (Map Number 171-1-21) zoned Education, Institution and Public Use (EIP) District with some Historic Winchester (HW) District Overlay and some Corridor Enhancement (CE) District Overlay zoning and at 901 Amherst Street (Map Number 191-1-8) mostly zoned Low Density Residential (LR) District and partly zoned EIP District with some CE District Overlay zoning.

REQUEST DESCRIPTION

The request is to permit additional phased construction of the private museum facility known as the Museum of the Shenandoah Valley (MSV) on the Glass-Glen Burnie Foundation (G-GBF) property. Major elements of the proposal include a 24,369 square foot Arts and Education (A&E) building proposed as a freestanding structure just to the north of a paved courtyard on the north side of the existing MSV museum structure, a 21,171 square foot Amphitheater building including a west-facing stage with an outdoor spectator area that could hold up to 3,000 persons in between the proposed A&E building and the existing historic gardens, an adaptive reuse of the existing concrete silo into an observation tower, a garden center/maintenance compound, public walking trails throughout the property, and a new entry road on Amherst Street aligning with Wood Avenue at the western edge of the G-GBF property. The new entry area would include structures including a security building just beyond a circular entry feature near the James Wood Middle School's eastern bus access point. Additional parking spaces are proposed along with a revamped circulation plan that deemphasizes the existing Amherst Street entrance

The request is described in a letter dated May 4, 2015 from Timothy G. Painter, P.E. at Painter-Lewis, who is the applicant for G-GBF. The letter also references the related Minor Subdivision which will consolidate three of the four large tracts of land comprising the Glen Burnie estate. The fourth tract, which is the southernmost field adjoining the rear of the residential lots along the north side of Seldon Drive, is proposed to remain separate and not a part of the CUP request even though some trail improvement is depicted across the part connecting to Jefferson Street.

AREA DESCRIPTION

The site is situated along the south side of Amherst Street and, as noted above, will be comprised of two separately platted parcels owned by the Glass-Glen Burnie Foundation. The proposed 195-acre consolidated parcel will result in multiple zoning designations applying to a single parcel of land. This includes a large band of land adjoining Amherst Street ranging in depth from 1,300-



1,600 deep which is zoned Education, Institution and Public Use, EIP. This area contains all of the existing Phase 1 historic home museum and gardens as well as the MSV structure. The majority of the G-GBF property is zoned Low Density Residential, LR extending from the properties fronting on Tennyson Ave to the east to the Ridgewood and Moffett properties to the west. Most of this area is in agricultural use or is wooded.

There are two distinct areas of overlay zoning that comprise a band along Amherst Street ranging in depth from 620-820 feet in depth. The eastern 1,200+/- -foot long portion of this band of overlay zoning is the local Historic Winchester, HW district. The western 1,200+/- -foot long portion of this band is the Amherst Street Corridor Enhancement (CE) District Overlay. With the exception of the circa 2005 MSV structure, most of the existing development is situated within the portion of the site overlaid with HW zoning. The MSV building and the proposed A&E building, Amphitheater, and Silo is within the portion of the site that is zoned EIP, but not also within either the HW or CE district overlay areas. The new western entry point would be situated within the portion of the site zoned EIP with CE overlay zoning. Most of the proposed Garden Center would be in the EIP-zoned portion of the site with two of the buildings being in the LR-zoned portion of the site.

Land across Amherst Street is zoned RO-1 and contains a mix of offices and single-family residences. Land to the west along Amherst Street is zoned RO-1 and contains the James Wood Middle School. The rear portion of the County School land is zoned LR. Land to the west, behind the James Wood School include the Ridgewood Orchard property which was recently rezoned Conditional MR(PUD) to support 170 apartments as well as the vacant MR-zoned Moffett Estate property.

Land to the east is zoned MR and contains single-family residences along Roszel Rd. Land to the northeast along Amherst Street is zoned B-1 and contains commercial buildings. The B-1 zoned land and RO-1 zoned properties fronting along Amherst to a point midway along the Glen Burnie frontage are also within the Historic Winchester, HW District. Land to the south includes the separately platted vacant G-GBF property zoned LR and the LR-zoned Handley Board of Trustees property housing the current JKES. Land to the southeast includes EIP-zoned land comprising the rear of single-family lots fronting along the west side of Tennyson Avenue. A vacant Byrd Estate property to the east is zoned LR.

COMMENTS FROM THE PLANNING DEPARTMENT

The Conditional Use Permit originally approved by City Council in 1997 (CU-97-01) for the original historic home museum included conditions which pertain to further development. Among the conditions was the entry drive curbing was deferred and that the remaining Amherst Street sidewalk be deferred during Phase 1A.

A second CUP request was approved on August 14, 2001 to permit the phased construction of a 60,420 square-foot private MSV museum facility on the central portion of the Glass-Glen Burnie property. The proposal included 50,501 square feet of museum space, 6,470 square feet of office space and 3,449 square feet of reception space. A total of 180 additional parking spaces were approved with that proposal. Council approved the Conditional Use Permit request for up to a 62,000 square foot private museum without conditions. In conjunction with the site plan, the Commission also granted waivers of the following site plan standards:

- Continuous curbing along the entry drive
- Screening to less intensive adjacent zoning districts
- Asphalt or concrete surfacing of drives and parking lots

Regarding the current request, the proposed A&E Building is situated approximately 800 feet back from Amherst Street in behind the historic gardens and circa 1970 barn. The architectural plans depict some form of roofed connection from a central entry point to the A&E Building and a parking lot concept perspective drawing depicts what persons arriving at the central entry would see when walking from the enlarged parking lot.

The proposed phasing plan indicates which new features would be built in each of several future phases (Phase 2a-2f). The applicant wishes to show everything that is ultimately proposed for the site. The plans depict the new major entry point to be created to the west opposite of the Wood Avenue median crossing on Amherst Street. Staff feels that this improvements should be a prerequisite to all other improvements and Condition# 3 recommended by the Planning Commission stipulates that the new entry be done first.

TRAFFIC IMPACTS

The applicant has provided an updated traffic analysis. The trip generation table included with the Phase 1 approved CUP indicated a total of 176 passenger vehicle trips per day (54,912 cars per 312-day year) and 1.87 bus trips per day (583 buses per 312-day year). An analysis of peak day (Glen Burnie Day) traffic indicated a total of 1,040 car trips and 12 bus trips during that day. These trips were concentrated primarily in a four-hour period beginning around Noon on a Sunday in July and were projected to result in 4.4 vehicles entering or exiting the site every minute. Half of the vehicles would be making a left either into or out of the site.

The updated analysis accounts for the expanded uses, particularly the Amphitheater which could result in extensive vehicle turn movements before and after shows. Improvements to Amherst Street are proposed as part of the project and include restriping westbound Amherst Street to accommodate a left-turn lane in a fashion recommended by Public Services Director Perry Eisenach. A right-turn lane would also be built by MSV along eastbound Amherst Street approaching the new entry from the west. The Wood Avenue intersection is not currently signalized and is not scheduled for signalization by the City at this time.

OTHER IMPACTS

There should be only infrequent negative impacts on adjacent residences and businesses caused by the expansion of uses at this location, although there will be some noise during outdoor concerts that will likely impact residents along Roszel Road to the east of the Amphitheater. The proposed amphitheater is situated approximately 304 feet away from the adjoining boundary of some of the MR-zoned Roszel Road lots and about 483 feet away from the closest residence. The stage is facing to the west away from the neighborhood. Crowd noise, however, would be directed toward the adjoining residential area and there is a slight chance that amplified music could bounce off of the existing museum and/or proposed A&E building back toward the residential area.

A 4-bay loading dock is depicted at the rear of the Amphitheater structure and the applicant should provide better information as to how any truck or celebrity bus impacts such as noise,

odor, fumes, vibration, caused by idling are mitigated. The applicant should also ensure that there will not be back-up generators or equipment associated with the concession stands that would impact the adjoining residential area.

Hours and days of operation for the amphitheater are not addressed in the application, but the conditions recommended by the Commission suggest a 10pm end time on Sunday through Thursday and midnight on Friday and Saturday evening. MSV is closed on Mondays, but the newly proposed trails would be available 7 days a week, likely from dawn to dusk.

Walking trails are proposed along much of the periphery of the site as well as an extensive network of trails on the interior of the site. A trail connection is proposed to connect to the western terminus of Jefferson Street and a second trail is depicted connecting to a portion of the current JKES property up near Harper Drive and is annotated as the 'Handley Connection Trail' on the plans. These trails will provide a desirable enhancement to the Green Circle Trail.

SITE PLAN ISSUES

Other than a recent site plan for a part of the Garden Center/Maintenance area, no engineered site plan has been submitted. There are a number of smaller issues that pertain more to the site plan approval than to the Conditional Use Permit approval that will need to be reviewed before the additional phases of construction could commence. The plans would need to clearly indicate the type and location of lighting proposed, especially if evening venues are proposed for the amphitheater. The Zoning Ordinance requires a minimum foot-candle amount of illumination in the parking areas and drives.

Unless further waivers are granted, the development is subject to screening requirements along the entire boundary adjacent to the LR and MR Districts. This requirement seems excessive given the considerable distance that the proposed buildings are situated away from residences in these adjacent districts and the topography which buffers the development as viewed from the east. The applicant has not requested any waivers of curbing along the entry drive or of surfacing treatment in the parking lots. Waivers had been granted in the past based upon a finding that such improvements were inconsistent with the historical context of the rural farm setting being presented and based upon the satisfactory condition of the grass shoulders maintained during the Phase 1 operation.

RECOMMENDATION

For a conditional use permit to be approved, a finding must be made that the proposal as submitted or modified will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood. The project is well designed and should be a positive contribution to the Winchester tourism economy with only infrequent negative noise impacts on adjacent residences and traffic impacts on Amherst Street.

Staff feels that the applicant has undertaken measures to mitigate noise impacts from the adjoining residential areas, but that a condition was included by the Planning Commission to require that the applicant immediately address any complaints. The CUP request provides clear information with regard to the sequence of future development even though the actual timing of any particular phase remains unknown at this time. A recommended condition stipulates the

construction of the western entry prior to the construction of the amphitheater and A&E building which are likely to add significantly to the volume of traffic entering and exiting the site along Amherst Street.

At the June 16, 2015 meeting, the Planning Commission forwarded **CU-15-259** to City Council recommending approval per Sections 3-2-3 and 16.1-2-2 of the Zoning Ordinance because the proposal, as modified, should not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood. The approval is subject to:

1. Use of the Amphitheater to begin no earlier than 9 AM and end no later than 10 PM Sunday through Thursday and begin no earlier than 9 AM and end no later than 11:59PM Friday and Saturday;
2. The operator of the Amphitheater to provide traffic control at the Amherst Street entrances and exits during peak arrival times and exit times for any shows expected to draw more than 500 persons;
3. Adherence to the sequence of improvements contained in phasing plan submitted by the applicant which requires construction of the new western entrance (including left and right turn improvements on Amherst Street) as a prerequisite to occupancy of any of the latter phased improvements, except that changes to the sequence of latter phased improvements can be approved by the Planning Commission in conjunction with individual site plans if the change is not contrary to any conditions otherwise imposed by City Council; and,
4. Property owner to immediately address concerns of the neighbors, especially with regard to noise complaints

PAINTER-LEWIS, P.L.C.

CONSULTING ENGINEERS

817 Cedar Creek Grade, Suite 120
Winchester, Virginia 22601

Tel.: (540) 662-5792
Fax.: (540) 662-5793

May 4, 2015

Mr. Timothy Youmans, Planning Director
City of Winchester, Virginia
15 N. Cameron Street
Rouss City Hall
Winchester, Virginia 22601

Re: Conditional Use Permit Application
Museum of the Shenandoah Valley
901 Amherst Street
Winchester, Virginia

Dear Sir:

The Museum of the Shenandoah Valley (Museum) requests that the City of Winchester consider the extension of the current Conditional Use Permit (CUP) to encompass the entire parcel, as reflected by the consolidation plat currently under your consideration. The current CUP covers a portion of the Glass-Glen Burnie Foundation in the area where the existing buildings are located. This request shall extend the coverage for the entire parcel. This is proposed to permit the Museum to expand its operation and facilities in a phased, planned growth, as indicated with the accompanying documentation and master plan.

The Museum is proposing this phased expansion to become a true community partner and to better serve Winchester and the local area. The proposal consists of a new, main entrance across from Wood Avenue, main access and service drives to better control traffic on site, a new environmentally friendly parking area, expansions to the museum facility, enhanced gardens and grounds, renovation of the existing silo structure, public walking trails and connections to the surrounding schools, and a future amphitheater facility.

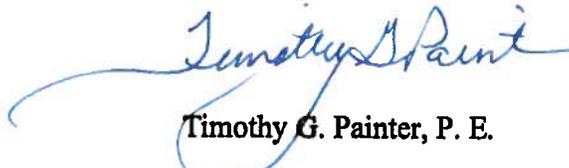
We believe that this will allow the Museum to better serve the community. Additionally, the concepts of the proposed master plan will merely enhance the services that the Museum provides; and in no way will this CUP adversely effect the adjacent neighbors or the local community. This proposal corresponds to and is in conformance with the comprehensive plan and will allow the Museum to continue its mission of service to this community.

Mr. Timothy Youmans, Planning Director
City of Winchester, Virginia

May 4, 2015
Conditional Use Permit Application

Thank you for your attention to and consideration of the matter. If you would have any questions or would require further information please do not hesitate to contact me.

Sincerely,



Timothy G. Painter, P. E.

Enclosures:

The MSV Phase II sequencing is as follows:

Phase II a: 12 months

1. New entrance across from Wood Avenue, sign, Kiosks, & gate house, and parking area.
2. New service roadway and improved and expanded main parking area.
3. Storm water management and water quality measures for the full development.
4. Service utility extensions.

Phase II b: 12 Months

1. Installation of the primary trail system.
2. Gardens & Greens Office Facility.
3. Renovation of the existing Silo and construction of the additions.

Phase II c: 10 Months

1. Construction of the Orientation Building.
2. Existing Shelter Barn renovation & restroom construction.
3. Orchard and South Lawn construction.

Phase II d: 13 Months

1. Construction of the Arts and Entertainment Building.
2. Amphitheater service driveway construction.

Phase II e: 12 Months

1. Construction of the Amphitheater and related facilities.

Phase II f: 4 Months

1. Installation of the secondary trail system.
2. Construction of miscellaneous site enhancements.



The Museum of the Shenandoah Valley (MSV) is dedicated to preserving and enriching the cultural life and heritage of the Shenandoah Valley. With that mission in mind, the MSV began working over three and a half years ago, in collaboration with individuals, businesses, and non-profit organizations, to identify opportunities the MSV could extend to our community. Through six months of listening sessions, where we welcomed input from over 350 community friends, our needs were identified and work begun on how we could continue to build our reputation as a center for scholarship and educational programming centered on the Shenandoah Valley's rich heritage and material culture.

On November 14, 2013 the MSV unveiled our Master Plan to much public support and enthusiasm. The Master Plan will be achieved through four phases and will serve as our major capital improvements guide for the next decade. Phase I of the Master Plan, which we call stewardship, pertains to the renovation of the Glen Burnie house and gardens, and is nearing completion. In January 2014 we began planning to meet the needs for Phase II of the Master Plan estimated goal of \$26,000,000. The construction of a professional amphitheatre falls within Phase II and will encompass a significant portion of this goal. Prior to unveiling our Master Plan it was shared with 8 of 9 Winchester City Councilors, all of whom were enthusiastically supportive. Each councilor hailed the future MSV amphitheatre and didn't think it would compete with the proposed "community" amphitheater for Jim Barnett Park.

The Museum of the Shenandoah Valley amphitheatre will be located in a natural bowl behind the Museum building. We are collaborating with Dr. Michael Stepniak, Dean and Professor of Music, for Shenandoah University to create a programmatic vision for this amphitheatre to present singularly iconic artists and ensembles to the Northern Shenandoah Valley. This program will include a summer performance season from Mid-April to Mid-September and will include targeted educational efforts and strategic ticket pricing to make it truly accessible and an attractive cultural resource for diverse families and individuals from our tri-state area. Additionally, the amphitheatre will also create an infrastructure for the MSV's current summer Gardens at Night (GAN) summer community concert series which draws between 400 and 2,200 per performance. When not used for performances or activities, the amphitheatre will serve as garden space connected to the Cultural Park's trail network and complement the surrounding landscape.

This shared vision between the MSV and Shenandoah University is a fabulous collaboration of talents and available space. With the construction of an amphitheatre the MSV has an exciting opportunity to create a thematically unique niche, in a one-of-a-kind setting, for the cultural community of the Northern Shenandoah Valley. It will build upon a shared dedication of the MSV and Shenandoah Conservatory to excellence in artistry, enrichment of a diverse community, and the promotion of Winchester as a leading center for culture and creativity. When complete, we feel the amphitheatre, as well as the MSV will be a "must-see" attraction.

The goal for Phase III, which includes renovation of our existing museum building, is \$221,090 and the goal for Phase IV, creating an additional 21,000+ of museum space, is estimated to be \$6,713,910, respectively.

A Shared Vision for the New Amphitheatre at the MSV

To enrich a diverse community, promote creative and artistic excellence, celebrate local cultural heritage, and advance Winchester as a leading center of culture and creativity

PROGRAMMING

PERFORMING ARTS LIVE @ NEW AMPHITHEATRE:

Vision: Presenting **singularly iconic artists and ensembles** within a summer performance season that also includes targeted educational efforts and a strategic ticket pricing structure to make the PAL Series @ New Amphitheatre a truly accessible and attractive cultural resource for diverse families and individuals from the tri-state community and Mid-Atlantic region.

At the center of activities in the New Amphitheatre is a season of performances occurring mid-April to mid-September (ranging from one to three events per weekend, with an occasional week-long festival). This premier season will be a professional series overseen by the Artistic Director of Performing Arts Live (PAL) at Shenandoah Conservatory in partnership with key personnel at the Museum, focusing around the following areas, in decreasing order of frequency:

- Rock (e.g., Ben Folds, Neko Case, Pink Martini)
- Folk (e.g., Old Crow Medicine Show)
- Classical (e.g., Orpheus Chamber Orchestra, Brooklyn Rider)
- Jazz (e.g., SFJazz Collective, Count Basie Orchestra)
- Family Events (e.g., World Music and Dance)

COMMUNITY CO-PRESENTATIONS:

Hosting Local and Regional Artists, and presenting General Educational and Cultural Events such as the MSV's Gardens at Night (GAN) concert series which has grown to attract over 8,000 people each year ; Winchester Little Theatre performances and summer camps; and Shenandoah University student performances.

STAFFING

Nothing is more critical to the vision and the financial and operational integrity of the envisioned Amphitheatre than the presence of (a) highly skilled personnel who oversee and ensure exceptional programming and operations, and (b) the successful development of the Amphitheatre's profile in the Mid-Atlantic region through a robust marketing campaign. To ensure that the New Amphitheatre has exceptional and appropriate leadership and that the Museum of the Shenandoah Valley and Shenandoah Conservatory are capitalizing on their individual strengths and possible areas of cost-savings, the attached pages provide an initial outline of a possible staffing structure.

The costs of staffing the operation of the Amphitheatre, as outlined below, are to be incurred by MSV. Shenandoah Conservatory, for its part, is committed to providing expertise and time of key personnel to ensure the integrity of the artistic programming. In that way, the Conservatory helps ensure that the costs incurred are significantly less than they otherwise would be.

ARTISTIC OVERSIGHT:

- Proposed (\$70K annual, no benefits)
 - Having the current Managing Director and Artistic Director of PAL at Shenandoah Conservatory become the full time Artistic Director of PAL at both SU and MSV, with MSV offsetting a portion of his salary, and providing occasional office space (offset portion: \$40K annual)
 - Reflecting best practice in the industry, have 1 or 2 key industry programmers on retainer to aid in the selection and contracting of special performers/events (\$15K annual)
 - Bring in major folk or rock artists who help co-curate special festivals, allowing for the attraction of special acts otherwise unaffordable (\$15K annual)

PRODUCTIONS OVERSIGHT:

- Initial Estimate (\$51.4K)
 - Seasonal (\$27K)
 - Production Manager employed on site at the Museum as a full time employee from mid March – end of September, for fee of \$27K (based on 6.5 months of \$50K annual salary)
 - Hourly (\$24.4K)



- *Crew: 3-6 Conservatory Students (\$10/hr), average of 6 hours per 35 events [\$10.5K]*
- *Sound Engineer at \$200/major event (25), and Asst Sound Engineer at \$100/event (10) [\$6K]*
- *Box Office Manager (\$20/hr) from 2hrs prior to performance until 1hr into performance [\$1,850]*
- *Box Officer Staff (\$10/hr), average of 5 hours per event [\$4,200]*
- *House Manager (\$15/hr), average of 3.5 hours per event [\$1,850]*
- *Ushers – Volunteers, managed by House Manager [No Cost]*

MARKETING:

- Proposed Production (Cost calculated at about 20% of Projected Revenue)
 - Targeting the patron base of both the Conservatory and the Museum of the Shenandoah Valley, and the high volume of arts event patrons in the greater Washington DC area, develop and pursue a comprehensive marketing campaign to fully develop the profile of the Amphitheatre in the Mid-Atlantic region. Expected marketing plan would include, but not be necessarily limited to, the following:
 - Brochure/Postcard & Mailing
 - Email and Web Design and Production/Maintenance
 - Limited and Strategic Paid Advertising (Print, Radio, Web)
 - Social Media
 - Publicity Releases
- Proposed Staff (\$40K annual plus benefits)
 - Occupying office space in both the Conservatory and Museum, this full time Marketing Associate would work in coordination with MSV marketing staff, and Conservatory Artistic Director and marketing staff. A marketing professional focusing exclusively on developing and implementing a comprehensive marketing campaign strategically targeted specific audience segments for the diverse tracks of the performance season.

December 10, 2013

Mr. Joel Richardson
Reader & Swartz Architects, P.C.
213 N. Cameron Street
Winchester, VA 22601

**Re: Museum of the Shenandoah Valley Amphitheater
Proposal for Acoustic, Audio/Video and (Optional) Theater Consulting Services
Reference #2572-rev0**

Dear Joel,

We are pleased to submit the following proposal to provide acoustic and audio/video consultation services for the conceptual design of an outdoor amphitheater at Museum of the Shenandoah Valley. We have also included optional theater consultation services, which will be provided by our sub-consultant, Schuler Shook. It is understood that the purpose of this phase is to define a scope and estimate the cost of the project.

Attachments to this letter highlight some of the relevant outdoor pavilion and amphitheater design work our firm has contributed to over the years. Our project experience includes the 15,000-seat pavilion at Bethel Woods Center for the Arts in the Catskills, the 17,000-seat Hollywood Bowl in Los Angeles, and the 4,000-seat Chautauqua Amphitheater in western New York.

Our firm recently co-designed a new sound system for the City of Houston's sound contractor at Miller Amphitheater. This cost-effective design-build project was completed quickly so that the system could be installed during one off-season. Currently, we are working on designing audio/video systems for audiences up to 3,000 people in an outdoor garden at the Memphis Botanical Gardens. We have helped performance institutions including the New York Philharmonic, the Boston Pops, the Cincinnati Symphony, and the Chicago Symphony, among others, create outstanding outdoor music environments using sophisticated audio systems that surround the audience in concert hall levels of sound.

SCOPE OF SERVICES - ACOUSTICS

1. Attend one meeting in Virginia with the design team, client, and end users, as appropriate, to discuss the overall program, the intended uses of the amphitheater, and the acoustic requirements and expectations.
2. Establish acoustic design goals, strategies, and criteria.

JaffeHolden.com

Headquarters: 114-A Washington Street, Norwalk, CT 06854 • 203.838.4167
Houston: 4617 Montrose Boulevard, Suite C201, Houston, TX 77006 • 713.589.7018

3. Provide design input - in the form of recommendations, sketches, and mark-ups, as required – to assist the design team in developing a conceptual design for the project.
4. Summarize our design input in a written report. The report will outline our understanding of the uses of the amphitheater, the acoustic design goals, the acoustic criteria to meet those goals, and a description of key acoustic design features, systems, and equipment.

SCOPE OF SERVICES – AUDIO/VIDEO

1. Attend one meeting in Virginia with the design team, client, and end users, as appropriate, to discuss the requirements for audio/video systems.
2. Prepare an Audio/Video Programming Report detailing our understanding of the audio/video requirements for the project. The report will include a preliminary estimate off the installed cost of the audio/video systems.
3. Review the Audio/Video Programming Report with the design team and client, and incorporate any agreed-up revisions.

OPTIONAL SCOPE OF SERVICES – THEATER

1. Attend one meeting in Virginia with the design team, client, and end users, as appropriate, to ascertain needs and goals of the client.
2. Discuss potential users’ production activity, scheduling, staffing, and backstage and support requirements
3. Advise on issues such as area requirements, seating and stage configurations, backstage support adjacencies, and special technical considerations.
4. Assist with development of a spatial inventory for the amphitheater and production support areas with recommended square footage allocations.
5. Review and comment on a conceptual design for the stage and audience seating areas. Assist with further conceptual planning layout.
6. Provide recommendations for implementation of production equipment appropriate to the goals of the owner.
7. Provide an opinion of probable costs for recommended production equipment.

COMPENSATION

1. **Fees** - Our fees for **acoustic and audio/video** consultation will be billed on an hourly basis at the following rates:

Principals	\$225 / hr.
Senior Consultants	\$175 / hr.
Consultants	\$125 / hr.

2. **Fees** - Our fees for optional **theater** consultation services will be billed on an hourly basis at the following rates:

Partners	\$300 / hr.
Principals	\$270 / hr.
Senior Theater Consultants	\$215 / hr.
Project Theater Consultants	\$155 / hr.
Theater Consultants	\$140 / hr.
Drafters, Specialists	\$105 / hr.

3. **Upset Fees** - We estimate our total fees will not exceed the following amounts. Our billings will not exceed these amounts without your written authorization.

Acoustics	\$7,000
Audio/Video	\$5,000
Theater (Optional)	\$7,000
Total	\$19,000

4. **Expenses** – Expenses that are necessary for the completion of the assigned work will be billed in addition to our fees at net cost. Reimbursable expenses include special mailing, printing, and other reproduction costs; rental and shipping of acoustic test instruments; travel costs, including transportation, meals, and lodging; and other related expenses.

CONTRACT TERMS AND CONDITIONS

1. **Payments** – Monthly invoices will be submitted by Jaffe Holden. All invoices shall be processed and paid within thirty (30) days of receipt. Payment delayed beyond one hundred twenty (120) days' period will be subject to a service charge of 1-1/4 % per month (15% per annum).
2. **Validity Period** – This proposal shall be valid for a period of time not to exceed 90 days after the date of issuance of the proposal or contract. Jaffe Holden shall not be obligated to honor a proposal or contract which is not accepted within 90 days after issuance.
3. **Contract Termination** – Should the project be abandoned or should the client elect to terminate Jaffe Holden services for other reasons prior to Jaffe Holden's completion of the work, Jaffe Holden shall be paid for services performed up to the date of Jaffe Holden's receipt of the notice of termination. Such compensation shall be in proportion to work performed.
4. **Arbitration** – All claims, disputes and other matters in question arising out of, or relating to, this Agreement, or the breach thereof, shall be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association then obtaining unless the parties mutually agree otherwise. This agreement to arbitrate shall be specifically enforceable under the prevailing arbitration law.

Notice of the demand for arbitration shall be filed in writing with the other party to this Agreement and with the American Arbitration Association. The demand shall be made within a reasonable time after the claim, dispute, or other matter in question has arisen. In no event shall the demand for arbitration be made after the date when institution of legal or equitable proceedings based on such claim, dispute or other matter in question would be barred by the applicable statute of limitations.

The award rendered by the arbitrators shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.

5. **Non-Relative Litigation** – If there is any litigation between design team and client which does not involve the work of Jaffe Holden, compensation to Jaffe Holden will not be withheld for work completed and all invoices rendered by Jaffe Holden in accordance with this contract will be paid accordingly.

Thank you for inviting us to submit our proposal. Your signature below will authorize us to proceed with the work. In the meantime, should you have any questions, please don't hesitate to contact us.

Sincerely,

Jaffe Holden



Mark Holden
Principal

AUTHORIZATION

For: Reader & Swartz Architects, P.C.

By: _____

Date: _____

MUSIC PAVILIONS

In Design or Construction:

Charlottesville Music Pavilion, Charlottesville, North Carolina
Cohen Ice Rink & Fountain at Mill River, Stamford, Connecticut
Levitt Pavilion, Westport, Connecticut
Longwood Gardens Main Fountain Garden Project, Kennett Square, PA
Memphis Live Botanical Gardens Pavilion, Memphis, Tennessee

Completed Projects:

2011 Maui Arts and Cultural Center Pavilion, Maui, Hawaii
2010 Miller Outdoor Theater, Houston, Texas
2009 Bethel Woods Performing Arts Center, Bethel, New York
2008 Sun Valley Pavilion, Sun Valley, Idaho
Blossom Music Center, Cuyahoga Falls, Ohio
Blockbuster Sony Entertainment Center, Camden, New Jersey
Concord Pavilion, Concord, California
Desert Sky Pavilion, Phoenix, Arizona
Fingerlakes Pavilion, Rochester, New York
Florida National Pavilion, Jacksonville, Florida
Harborside Festival Pavilion, Baltimore, Maryland
Grant Park Pavilion, Chicago, Illinois
Kent State Festival Pavilion, Cuyahoga Falls, Ohio
Meadow Brook Festival Pavilion, Rochester, Michigan
Merriweather Post Pavilion of Music, Columbia, Maryland
Mississippi River Festival Pavilion, Edwardsville, Illinois
National City Pavilion, Cincinnati, Ohio
Ontario Place Music Pavilion, Toronto, Canada
Pier 6 Pavilion, Baltimore, Maryland
Ravinia Festival Music Pavilion, Highland Park, Illinois
Riverbend Pavilion, Cincinnati, Ohio

Saratoga Performing Arts Center, Saratoga, New York

AMPHITHEATRES

In Design or Construction:

Fairfax County Amphitheater, Fairfax, Virginia

Chautauqua Institution Amphitheater, Chautauqua, New York

Nashville Park Amphitheater, South of Broadway Master Plan, Nashville, Tennessee

Completed Projects:

2007 Santa Barbara County Bowl, Santa Barbara, California

2004 Hollywood Bowl, Los Angeles, California

1997 North Carolina Art Museum Amphitheatre, Raleigh, North Carolina

Central Park Music Shell, New York, New York

Dallas Symphony Starfest, Dallas, Texas

Delacorte Theatre, New York Shakespeare Festival, New York, New York

Earl Bales Theatre, Toronto, Canada

Minnie Guggenheimer Pavilion, Central Park, New York, New York

Mizner Park, Boca Raton, Florida

Carlos Moseley Pavilion, New York, New York

Hatch Shell, Charles River Esplanade, Boston, Massachusetts

Kansas City Starlight Theatre, Kansas City, Missouri

Liberty Park, Jersey City, New Jersey

Lincoln Park Amphitheatre, Kettering, Ohio

McLaren Park Amphitheatre, San Francisco, California

Mount Morris Park Amphitheatre, New York, New York

Oregon Ridge Festival Stage, Baltimore, Maryland

Penns Landing Amphitheater, Philadelphia, Pennsylvania

Pittsburgh Symphony Festival, Point Park, Pittsburgh, Pennsylvania

Randall's Island Amphitheater, New York, New York

Sha-Tin Festival Stage, Hong Kong

Trophy Point Amphitheatre, U. S. Military Academy, West Point, New York

Outdoor Performance Venues

Bethel Woods Performing Arts Center

Bethel, New York

The Bethel Woods Performing Arts Center Pavilion is a **4,800-seat** music pavilion on the site of the Woodstock Festival. It is designed to serve rock music as well as symphonic orchestras. The orchestra shell designed by JaffeHolden consists of 10 wooden towers and 4 wooden ceiling pieces and are in place for performances such as the New York Philharmonic, Wynton Marsalis and other performers that want an "unplugged" sound. For rock concerts, the wooden towers are removed and stored and a state of the art house sound system is used for the lawn and pavilion. Designed by JaffeHolden the system provides sound for local community groups as well as infrastructure for touring bands to connect their rigs to.



Chautauqua Institution Amphitheater

Chautauqua, New York

The Chautauqua Institution amphitheater is a 4,063 seat amphitheater, that is currently being renovated to accommodate multiple purposes for the community. The audio/video components for the amphitheater are designed to respond to a variety of presenters' needs. The system upgrade will facilitate the space's ability to offer a multiplicity of disparate events by designing systems that enhance the ease at which the space transforms daily. The Audio/Video systems shall be designed to meet advanced technological needs, both physically and mechanically, for a range of presentations and performances.



Jaffe Holden's acoustic recommendations aim to both restore and maintain the historic integrity of the building while also enhancing the quality of the spoken word.

Hollywood Bowl

Hollywood, California

The symphonic acoustic design of the Hollywood Bowl was based on a proven concept that has been successfully implemented since the early 1960's for symphony orchestras such as Cincinnati, Detroit and Pittsburgh who were playing in multi-use indoor and/or outdoor performance spaces. Since these orchestras were performing out of doors or in theaters that were on the dry side, we used the volume of the theater stage house as an acoustic chamber to develop additional reverberation or liveness in the audience listening areas. Within these stage house volumes we designed de-mountable concert shells that had tunable ceiling reflector panels suspended from the theater rigging. At the Hollywood Bowl, the overall hard reflective bowl like shell is the reverberant chamber and the adjustable reflectors within the halo ring enable us to balance as well as blend the sections of the orchestra and increase onstage hearing for the musicians. In an outdoor venue that seats close to **20,000 people**, the use of sound reinforcement is a given. However, a live, well blended and balanced orchestral sound at the source makes it much easier for the console operator to provide a sound that is more representative of what one might hear in a well designed concert hall.



Outdoor Performance Venue



Image courtesy of Studio Red

Miller Outdoor Theater

Houston, Texas

The Miller Outdoor Theater in Houston's Hermann Park is unique in the United States because it offers an eight month season of professional entertainment that is both culturally diverse and free of charge to the public. Programs include classical music, jazz, ethnic music and dance, ballet, Shakespeare, musical theatre and classic films. The theater is located near the Houston Zoo and the Museum of Natural Science. Seating is provided for 1,705 patrons, plus a sloping lawn that accommodates approximately 4,500 additional guests.

The theater structure includes a 64 x 41-foot stage, 54 line sets for hanging lights, curtains and scenery, an orchestra pit which can be raised and lowered, dressing rooms, offices, a full complement of theatrical equipment, and a 110-ton air conditioning system that cools the performance area.

Jaffe Holden provided a new design for the sound reinforcement system in order to replace an aging system that did not meet modern performance standards. The new system was designed and built in less than three months and received praise from artists, audiences and the city of Houston.

Project Information

1705-covered Seats
4,500-lawn Seats

Budget

\$1.5 Million

Design Team

Architects: Studio Red
Haire! Enterprises

Client

City of Houston

Completion Date

2010

"I just wanted to let you know how much I enjoyed the concert last night. It sounded absolutely great! So crisp and clean; all the voices and instruments were distinct and crystal clear. I sat for the first half, then walked the hill for the second and was very impressed in each location."

*Thomas Boyd, Production Director
Houston Ballet*

Outdoor Performance Venue



© Kris Berg

Sun Valley Music Pavilion

Sun Valley, Idaho

The Sun Valley Music Pavilion is used as a seasonal space for the Sun Valley Symphony as well as for events hosted by the Sun Valley Resort. The pavilion houses a 6,000 square foot stage under a proscenium arch that supports a permanent acoustical shell. The shell is made of a tensile-steel web over which a wood-shingled roof is mounted. The proscenium arch soars 70 feet high and is anchored by an immense foundation consisting of 150 truckloads of concrete. The foundation is designed to make the structure extremely resistant to forces of weather and earthquakes.

Jaffe Holden provided architectural acoustic services, audio/video systems design services, and electronic architecture system design services for this project. Special features include an integrated audio and video system that combines a touring show-ready audio system inside the pavilion with a distributed audio system for listeners outside the structure. The team also designed a unique movable acoustic shell and ensured the electronic architecture system worked in conjunction with the distributed audio system in order to provide a full concert hall acoustical experience for all audiences.

Project Information

1,500 Permanent Seats
3,500 Lawn Seats

Scope of Work

Architectural Acoustics
Audio/Video Systems Design
Electronic Architecture System Design

Budget

\$14,000,000

Design Team

Architects: FTL Design Engineering Studio
Architect of Record:
Ruscitto/Latham/Blanton Architects
Theatre Consultant: Auerbach Pollack Frielander

Completion Date

2008

Client

Sun Valley Company

Joseph M. Bryan Jr. Theater North Carolina Museum of Art

Raleigh, North Carolina

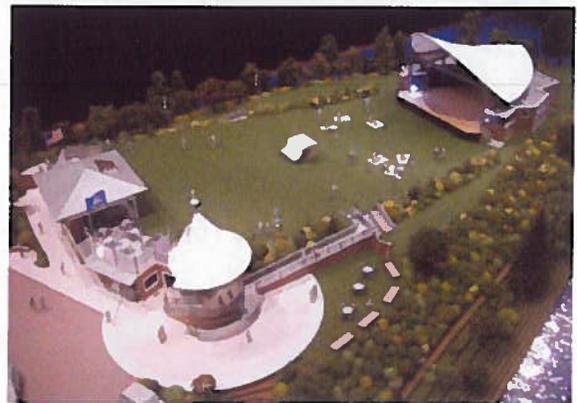
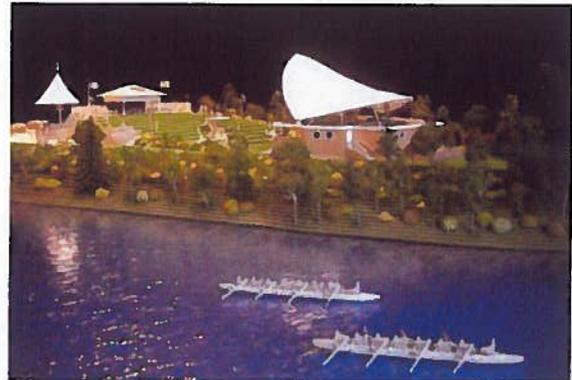
The Joseph M. Bryan, Jr., Theater in the Museum Park is part of a 164 acre area, which features rolling fields and woodlands with trails and sculptures throughout. The theater is a 500-seat outdoor theater, with lawn seating for 2,000. This theater has become a favorite destination for music, film screenings and festivals. JaffeHolden's scope involved the stage design and community noise evaluations.

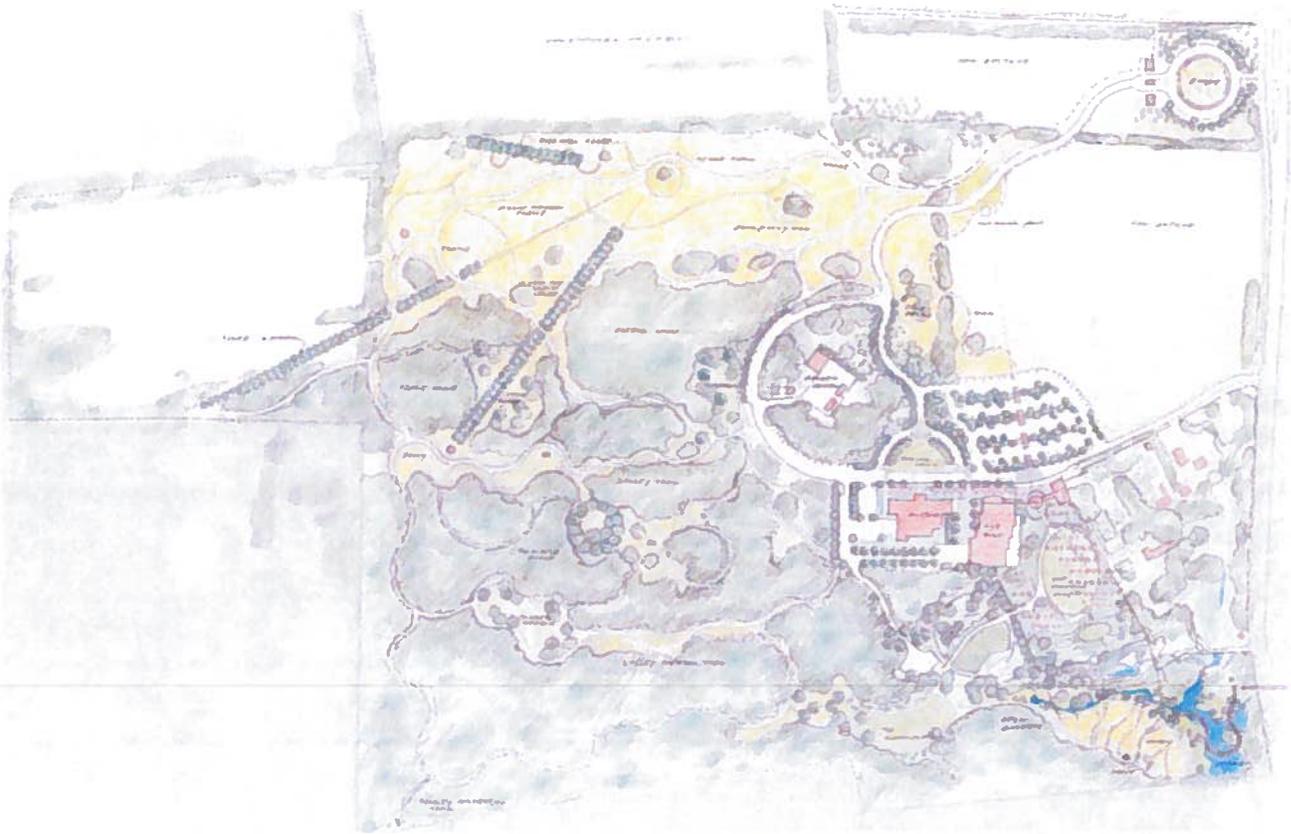


The Levitt Pavilion for the Performing Arts

Westport, Connecticut

For the past 33 years, the Levitt Pavilion for the Performing Arts has provided nightly entertainment in an outdoor setting during the summer. The pavilion features music, dance, comedy, film and drama. JaffeHolden was involved in the initial inception of the pavilion and is currently involved in the plan to replace the band-shell and upgrade the Pavilion with acoustic treatments for the stage and pavilion area. JaffeHolden has also completed multiple community noise impact studies. The Audio & Video system designed by JaffeHolden, consists of a main speaker system with distributed speakers mounted on poles for lawn seating.





Museum of the Shenandoah Valley • Site Plan 2015
Reader & Swartz Architects, P.C. • Siteworks • Painter - Lewis, P.L.C. • Howard Shockey & Sons

EXISTING ENTRY GARDEN
Existing Aerial View



PROPOSED ENTRY GARDEN
Future Aerial View



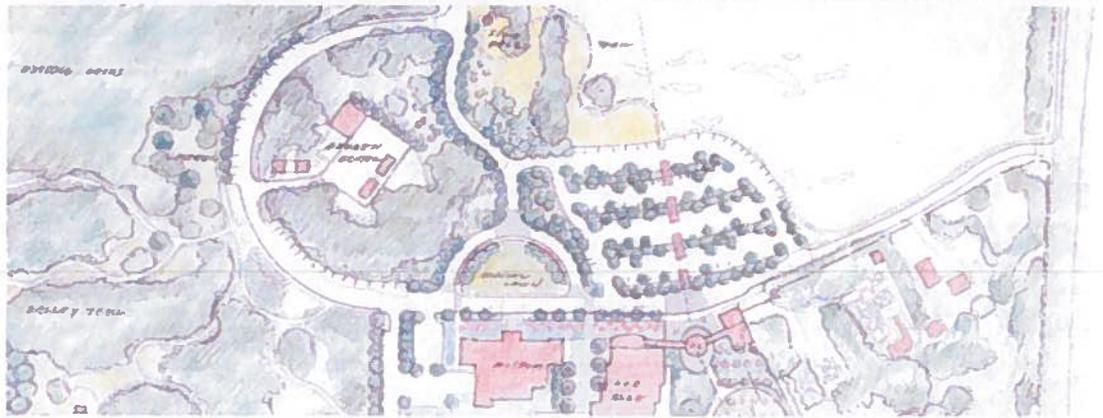
PROPOSED ENTRY GARDEN
View at Amherst Street Entry



Museum of the Shenandoah Valley • Site Plan 2015

Reader & Swartz Architects, P.C. • Siteworks • Painter - Lewis, P.L.C. • Howard Shockey & Sons

NEW PARKING LOT CONCEPT



Museum of the Shenandoah Valley • Site Plan 2015

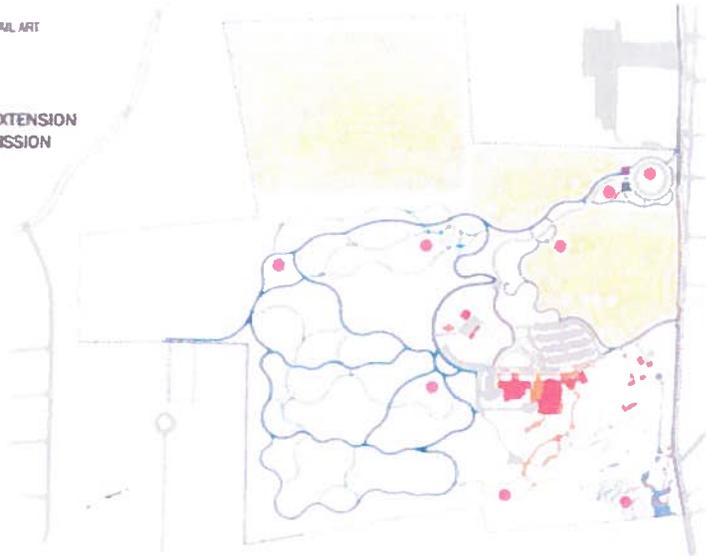
Reader & Swartz Architects, P.C. • Siteworks • Painter - Lewis, P.L.C. • Howard Shockey & Sons

TRAIL ART CONCEPTS

MSV SITE TRAIL ART

ART ●

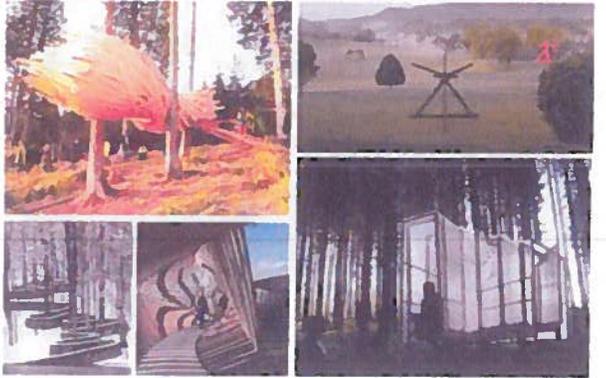
ART: AN EXTENSION
OF THE MISSION



CONCEPTUAL ART INSTALLATIONS



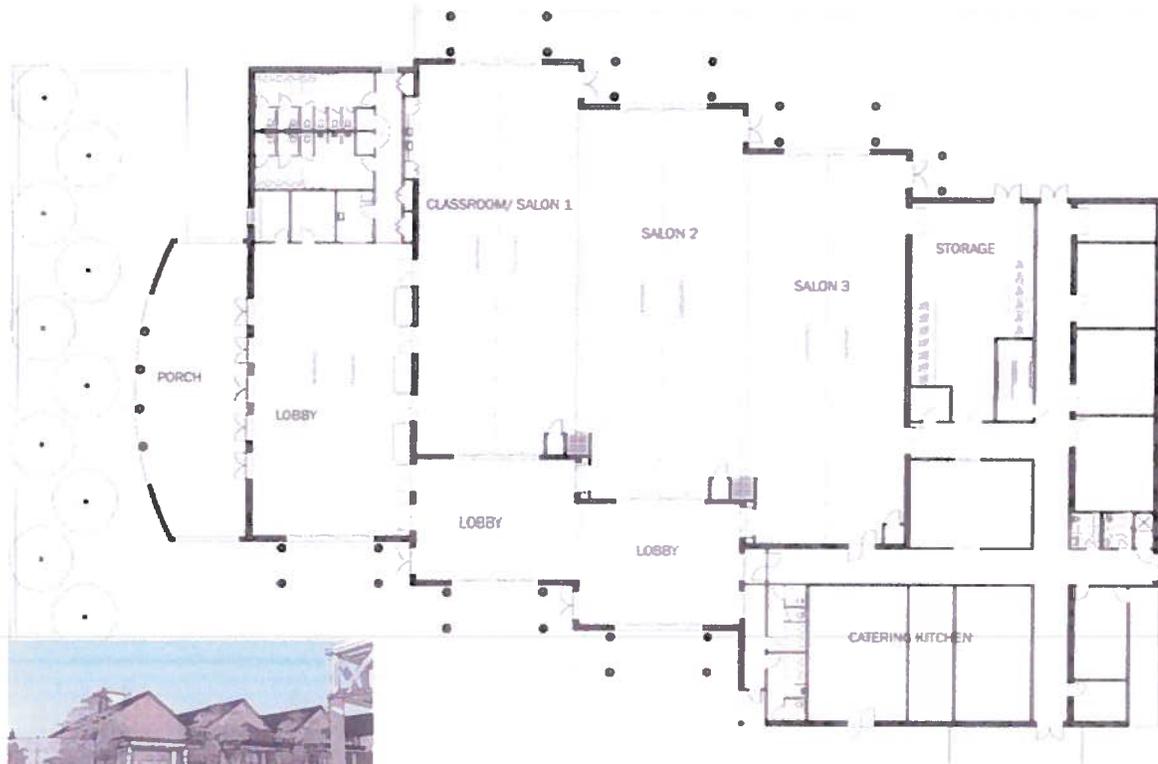
TRAILS AND ART



Museum of the Shenandoah Valley • Site Plan 2015

Reader & Swartz Architects, P.C. • Siteworks • Painter - Lewis, P.L.C. • Howard Shockey & Sons

SCHEMATIC ARTS AND EDUCATION BUILDING PLAN



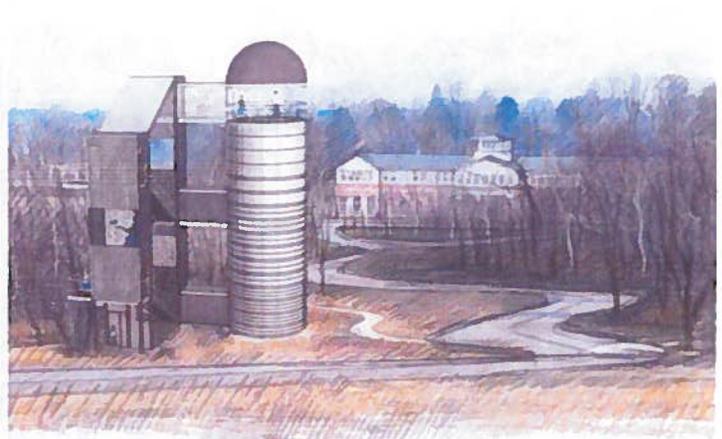
Museum of the Shenandoah Valley • Site Plan 2015

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EXISTING SITE



SILO AND ENTRY ROAD



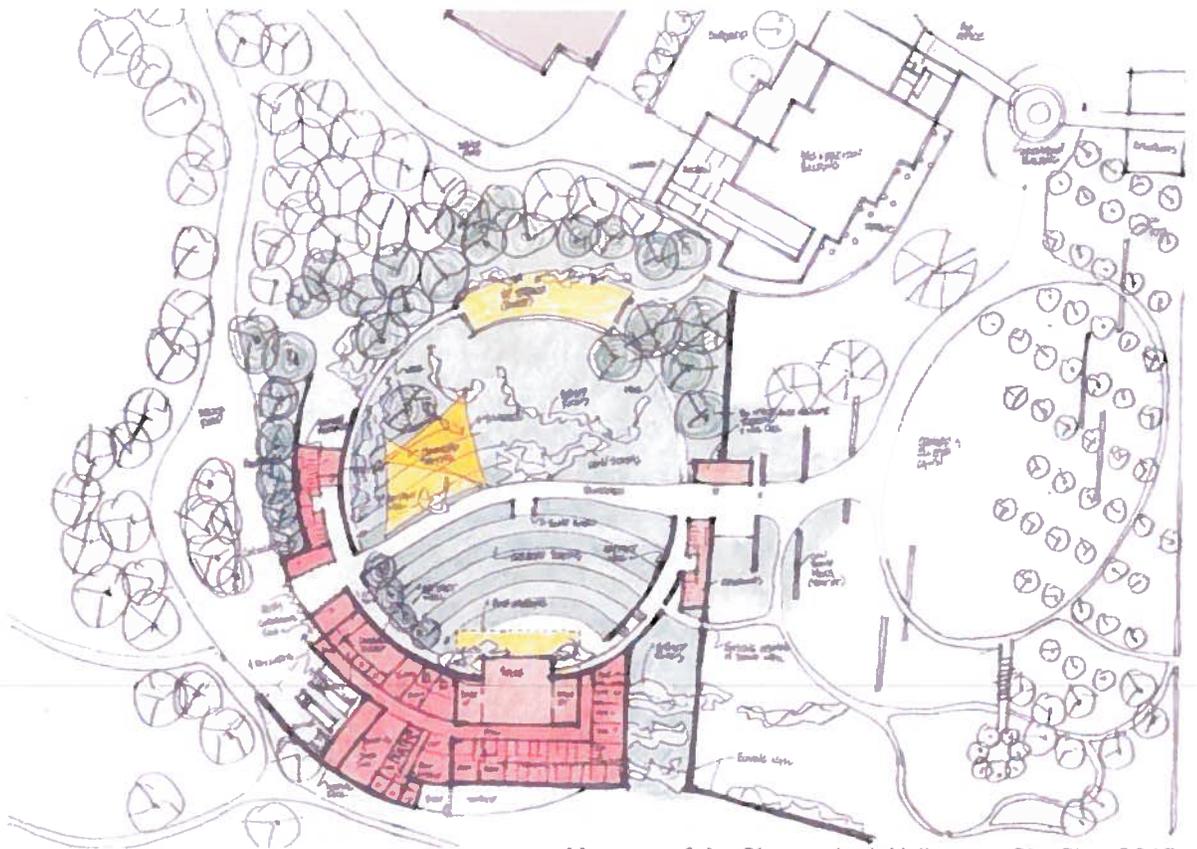
ART SPACE INSIDE OF SILO



LOOKOUT AT TOP OF SILO

Museum of the Shenandoah Valley • Site Plan 2015
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AMPHITHEATER SCHEMATIC



Museum of the Shenandoah Valley • Site Plan 2015

Reader & Swartz Architects, P.C. • Siteworks • Painter - Lewis, P.L.C. • Howard Shockey & Sons

SCHULER SHOOK

	STAGE		Project Name:	Museum of Shenandoah Valley Amphitheater					
			Date Prepared:	December 21, 2013					
			Version:	1					
			Prepared by:	Jack P. Hagler, ASTC					
LEVEL	AREA	NOTES	CONDITIONED (CON) ENCLOSED (ENC) COVERED (COV)	OCCUPANCY	WIDTH	DEPTH	HEIGHT	NET SF	
1.0	STAGE	height is to bottom of structure	COV	N/A	50	50	30	2,500	
1.0	SL WING	height is to bottom of structure	COV	N/A	20	50	30	1,000	
1.0	SR WING	height is to bottom of structure	COV	N/A	20	50	30	1,000	
	TOTAL SQUARE FOOTAGE							4,500	

SCHULER SHOOK

BACK OF HOUSE		Project Name: Museum of Shenandoah Valley Amphitheater						
		Date Prepared: December 21, 2013						
		Version: 1						
		Prepared by: Jack P. Hagler, ASTC						
LEVEL	AREA	NOTES	CONDITIONED (CON) ENCLOSED (ENC) COVERED (COV)	OCCUPANCY	WIDTH	DEPTH	HEIGHT	NET SF
	STORAGE - UTILITY		ENC		16	20		320
	PERFORMERS LOUNGE		ENC, CON	20				400
	LOADING DOCK		COV	2 TRUCKS	26	12		312
	KITCHEN/CATERING DOCK		COV	1 TRUCK	12	12		144
	RECEIVING		COV		26	20		520
	CRATE STORAGE	Road boxes	COV	3				1,000
	OFFICE - HOUSE TECHNICIANS		ENC, CON	1				120
	OFFICE - TECHNICAL DIRECTOR		ENC, CON	1				150
	RESTROOM - CREW		ENC, CON	2				180
	RACK ROOM - AUDIO		ENC, CON		9	20	9	180
	RACK ROOM - DIMMERS		ENC, CON		15	8	9	120
	RACK ROOM - VIDEO		ENC, CON		9	20	9	180
	DRESSING ROOM - MEDIUM	Dimensions per station	ENC, CON	12	6	13		1,036
	DRESSING ROOM - MEDIUM	Dimensions per station	ENC, CON	12	6	13		1,036
	DRESSING ROOM - SMALL w/restroom	Private	ENC, CON	2				300
	DRESSING ROOM - SMALL w/restroom	Private	ENC, CON	2				300
	LAUNDRY FACILITIES		ENC, CON		16	8		128
	OFFICE - TOUR PRODUCTION		ENC, CON					200
	OFFICE - TOUR PRODUCTION		ENC, CON					200
	RESTROOM & SHOWER - MEDIUM		ENC, CON	2				100
	RESTROOM & SHOWER - MEDIUM		ENC, CON	2				100
	STORAGE - AUDIO EQUIPMENT		ENC, CON					300
	STORAGE - LIGHTING EQUIPMENT		ENC, CON					300
	STORAGE - VIDEO EQUIPMENT		ENC, CON					200
	SECURITY - STAGE DOOR		ENC, CON					150
	CUSTODIAL & MAINTENANCE		ENC, CON					150
	CATERING PREP KITCHEN		ENC, CON					1,500
	STORAGE - KITCHEN		ENC, CON					200
	DINING		ENC, CON					400
	VIP MEET & GREET		ENC, CON					200
	TOTAL SQUARE FOOTAGE							10,406

SCHULER SHOOK

FRONT OF HOUSE AND OPERATIONS		Project Name:	Museum of Shenandoah Valley Amphitheater					
		Date Prepared:	December 21, 2013					
		Version:	1					
		Prepared by:	Jack P. Hagler, ASTC					
LOCATION	AREA	NOTES	CONDITIONED (CON) ENCLOSED (ENC) COVERED (COV)	OCCUPANCY	WIDTH	DEPTH	S.F. EACH	NET SF
	RESTROOMS - PUBLIC FEMALE	Based on 3,000 patrons	ENC, CON	34			50	1,675
	RESTROOMS - PUBLIC MALE	Based on 3,000 patrons	ENC, CON	17			42	693
	CONCESSIONS		COV	15	5	12		900
	MERCHANDISE SALES		COV	8	5	12		450
	VIP SEATING AREA		COV	100			25	2,500
	BOX OFFICE		ENC, CON	4	4	8		188
	USHERS	Lockers	ENC, CON					200
	HOUSE MANAGER	Double as count room and settlement office	ENC, CON					200
	BOX OFFICE STORAGE		ENC					100
	CONTROL - LIGHTING AND AUDIO COCKPIT		COV		24	16		384
	STORAGE		ENC					200
	TOTAL SQUARE FOOTAGE							7,490

Movie Theater with Matinee (444)

AMPHITHEATER AREA:
SEAT AREA: 16,463 sq
LAWN AREA: 26,463 sq

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Friday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

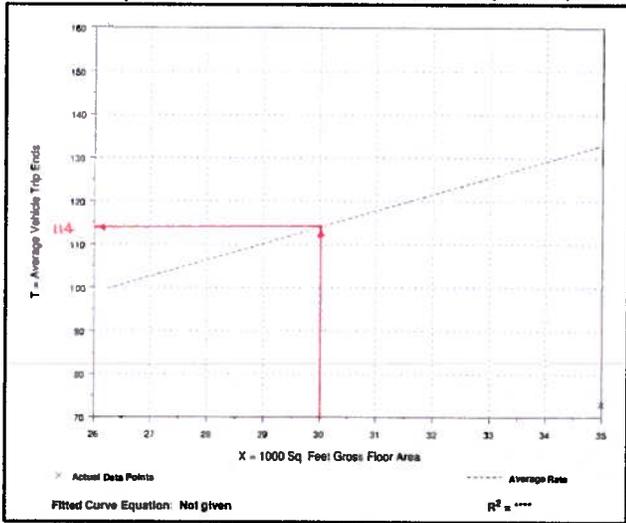
Number of Studies: 2
Average 1000 Sq. Feet GFA: 31
Directional Distribution: 64% entering, 36% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
3.80	2.09 - 6.10	.

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Usable SEAT AREA: SEAT + (LAWN) = 30,015 sq

Movie Theater with Matinee (444)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Saturday,
Peak Hour of Generator

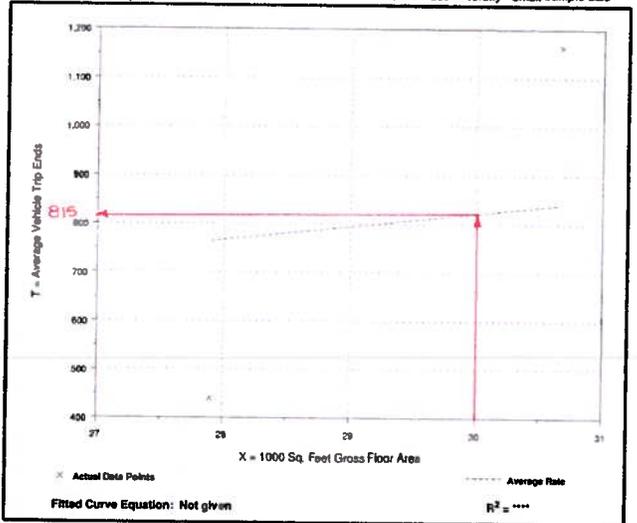
Number of Studies: 2
Average 1000 Sq. Feet GFA: 29
Directional Distribution: 56% entering, 44% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
27.39	15.77 - 37.95	.

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



The Museum of the Shenandoah Valley
 Shenandoah Conservatory
 Amphitheatre Projected Ticket Revenue

Low Projection

Performance Type	# of Performances	Projected Attendance	Price Point 1	Price Point 2	Series Attendance	Series Revenue
Rock	9	800	30	40	7200	266,400
Folk	9	800	30	40	7200	266,400
Classical	5	300	20	30	1500	40,500
Jazz	5	200	20	30	1000	27,000
Family	3	300	10	20	900	15,300
Theatre	1	500	20	30	500	13,500
Total	32				18,300	628,100

Medium Projection

Performance Type	# of Performances	Projected Attendance	Price Point 1	Price Point 2	Series Attendance	Series Revenue
Rock	9	1000	30	40	9000	333,000
Folk	9	1000	30	40	9000	333,000
Classical	5	400	20	30	2000	54,000
Jazz	5	300	20	30	1500	40,500
Family	3	400	10	20	1200	20,400
Theatre	1	800	20	30	800	21,600
Total	32				23,600	802,500

High Projection

Performance Type	# of Performances	Projected Attendance	Price Point 1	Price Point 2	Series Attendance	Series Revenue
Rock	9	1200	30	40	10800	399,600
Folk	9	1200	30	40	10800	399,600
Classical	5	500	20	30	2500	67,500
Jazz	5	400	20	30	2000	54,000
Family	3	500	10	20	1500	25,500
Theatre	1	1000	20	30	1000	27,000
Total	32				28,600	973,200

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: June 9, 2015 CUT OFF DATE:

RESOLUTION X ORDINANCE PUBLIC HEARING

ITEM TITLE:

A RESOLUTION TO AUTHORIZE THE APPROVAL OF THE SHENANDOAH VALLEY CHIEF ELECTED OFFICIALS CONSORTIUM AGREEMENT EFFECTIVE JULY 1, 2015

STAFF RECOMMENDATION:

Proceed with Resolution approval

PUBLIC NOTICE AND HEARING:

None required.

ADVISORY BOARD RECOMMENDATION:

NA

FUNDING DATA:

No funding requested.

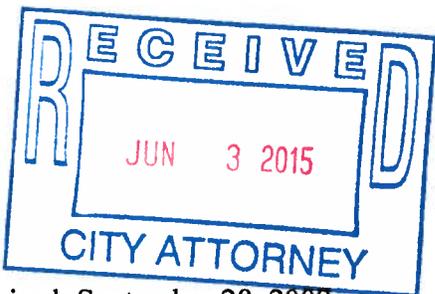
INSURANCE:

N/A

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney	<i>[Signature]</i>	_____	<i>6/3/2015</i>
6. City Manager	<i>[Signature]</i>	_____	<i>16 June 2015</i>
7. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: *Kimberly J. Hines* *6/2/15*
Economic Redevelopment Director Date



APPROVED AS TO FORM:
[Signature] *6/3/2015*
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Kimberly L. Murray, Economic Redevelopment Director
Date: June 9, 2015
Re: A RESOLUTION TO AUTHORIZE THE APPROVAL OF THE SHENANDOAH VALLEY CHIEF ELECTED OFFICIALS CONSORTIUM AGREEMENT EFFECTIVE JULY 1, 2015

THE ISSUE: Changes to the current agreement have been added because of the implementation of the new federal Workforce Innovation and Opportunity Act (WIOA) which replaces the Workforce Investment Act (WIA). The Winchester Common Council signed the last agreement September 11, 2012.

RELATIONSHIP TO STRATEGIC PLAN: Will assist in the City's desire to encourage sustainable economic growth and partnerships through business and workforce development.

BACKGROUND: The purpose of the Consortium shall be to plan, establish, and operate a Local Workforce Development Area (LWDA) and Workforce Development Services Delivery System according to the provisions of the Workforce Innovation and Opportunity Act of 2014, and the Federal Regulations issued by the U.S. Department of Labor for the implementation of the Act together with any and all other subsequent and relevant federal and Commonwealth of Virginia statutes, policies and interpretations.

BUDGET IMPACT: No additional costs at this time.

OPTIONS: Council may approve the resolution to support the Consortium Agreement, decline the resolution, or provide comments to the Shenandoah Valley Workforce Investment Board Inc. on the Agreement if support is not given.

RECOMMENDATIONS: City Staff recommends the approval of the attached Resolution to support the Consortium Agreement and appoint an elected official to the Consortium and an alternate, if appropriate. It is an opportunity to further collaborative efforts around workforce needs and issues.

**A RESOLUTION TO AUTHORIZE THE APPROVAL OF THE SHENANDOAH
VALLEY CHIEF ELECTED OFFICIALS CONSORTIUM AGREEMENT
EFFECTIVE JULY 1, 2015**

WHEREAS, the Winchester Common Council desires to create a positive business environment and encourages sustainable economic growth and partnerships through business and workforce development;

WHEREAS, on September 12, 2012, the Winchester Common Council approved a motion approving the Shenandoah Valley Chief Elected Officials Consortium Agreement which established the Shenandoah Valley Workforce Investment Area for the purpose of planning, establishing and operating a local workforce services delivery system;

WHEREAS, in accordance with Public Law 113-128, the Workforce Innovation and Opportunities Act of 2014, Section 106, the Shenandoah Valley Workforce Investment Area has been renamed the Shenandoah Valley Workforce Development Area and the Shenandoah Valley Workforce Investment Board shall be renamed the Shenandoah Valley Workforce Development Board;

WHEREAS, the Council needs to appoint an elected official to the Consortium and if so desired, an alternate; and

WHEREAS, the following changes to the attached Agreement are proposed:

1. Change of name from the Chief Local Elected Officials to the Chief Elected Officials; and
2. Change in the member composition of the Workforce Development Board, so that no less than 20% of the Board must consist of labor organizations, representatives from registered apprenticeship programs, and community based organizations (page 4 of the agreement).

NOW THEREFORE BE IT RESOLVED, that the Winchester Common Council does hereby support these changes, appoints the Honorable Mayor to the Consortium, and approves this resolution accordingly.

Shenandoah Valley Chief Elected Officials Consortium Agreement

**Shenandoah Valley
Workforce Development Area**

May, 2015

Consortium Agreement

Shenandoah Valley Workforce Development Area

The purpose of this Agreement is to formalize the creation of the Shenandoah Valley Workforce Development Area, the Shenandoah Valley Chief Elected Officials Consortium, and the Shenandoah Valley Workforce Development Board in accordance Public Law 113-128, the Workforce Innovation and Opportunity Act of 2014, Section 106. It is Made and Entered into by and between Augusta County, Bath County, the City of Buena Vista, Clarke County, Frederick County, the City of Harrisonburg, Highland County, the City of Lexington, Page County, Rockbridge County, Rockingham County, Shenandoah County, the City of Staunton, Warren County, the City of Waynesboro, and the City of Winchester.

WHEREAS, the respective Boards of Supervisors of the Counties of Augusta, Bath, Clarke, Frederick, Highland, Page, Rockbridge, Rockingham, Shenandoah and Warren, and the City Councils of the Cities of Buena Vista, Harrisonburg, Lexington, Staunton, Waynesboro and Winchester have adopted resolutions authorizing the execution of this Consortium Agreement;

NOW THEREFORE THIS AGREEMENT FURTHER WITNESSTH: That for and in consideration of the promises and of the mutual benefits to be derived hereunder, that each and all of the jurisdictions enumerated immediately above, do hereby reciprocally agree as follows:

SECTION 1: CREATION OF THE CONSORTIUM

THERE IS HEREBY CREATED, BY THE UNDERSIGNED Chief Elected Official of the Counties and Cities, the **Shenandoah Valley Chief Elected Officials Consortium** (Consortium), which shall exist under and be subject to the terms and conditions of this **Consortium Agreement** (Agreement), and which constitutes the agreement by the listed participating political subdivisions of the Commonwealth of Virginia. The purpose of the **Consortium** shall be to plan, establish, and operate a Local Workforce Development Area (LWDA) and Workforce Development Services Delivery System according to the provisions of the Workforce Innovation and Opportunity Act of 2014, and the Federal Regulations issued by the U.S. Department of Labor for the implementation of the Act together with any and all other subsequent and relevant federal and Commonwealth of Virginia statutes, policies and interpretations.

SECTION 2: AREA TO BE SERVED

The Local Workforce Development Area to be served shall be known as the **Shenandoah Valley Workforce Development Area**, and shall include the jurisdictions of Augusta County, Bath County, the City of Buena Vista, Clarke County, Frederick County, the City of Harrisonburg, Highland County, the City of Lexington, Page County, Rockbridge County, Rockingham County, Shenandoah County, the City of Staunton, Warren County, the City of Waynesboro and the City of Winchester.

SECTION 3: STRUCTURE, DUTIES AND RESPONSIBILITIES OF CONSORTIUM

3.01: MEMBERSHIP

The voting members of the Consortium shall be the Chief Elected Official of each jurisdiction that is a party to this agreement, or that official's duly appointed designee. The Chair of the Shenandoah Valley Workforce Development Board (SVWDB), formerly the Shenandoah Valley Workforce Investment Board, or the Chair's duly appointed designee, shall serve as a voting member of the Consortium.

3.02: TERMS OF OFFICE

The term of office for a Consortium member or designee shall coincide with the member's term as chief elected official for the member jurisdiction.

3.03: OFFICERS

The Consortium shall elect from its membership a Chair, a Vice-Chair and such other officers as may be provided in the Consortium by-laws to serve for a term as may be prescribed in the By-Laws.

3.04: VOTING RIGHTS

Each member jurisdiction shall have one (1) vote on all matters considered by the Consortium.

3.05: MEETINGS

The Consortium shall hold meetings as prescribed in the By-Laws. A quorum is required for the Consortium to conduct business. A simple majority of the membership of the Consortium constitutes a quorum. Actions of the Consortium shall be approved by a simple majority of the members present at the meeting.

3.06: DUTIES AND RESPONSIBILITIES

A. The Consortium shall collectively perform the following functions established for the Chief Elected Official, as specified in Public Law 113-128:

- (1) Shall, at its annual organization meeting, designate a member jurisdiction to serve as local grant recipient for the WIOA funds, and further may designate another entity to serve as fiscal agent for the Consortium;
- (2) Receive member nominations and make appointments of members to the SVWDB in accordance with State criteria. Each member jurisdiction of the Consortium shall recommend nominees and coordinate with other member jurisdictions to ensure appropriate geographic representation. Diversity considerations should be given when appointing members to the SVWDB to ensure racial, ethnic, and cultural diversity, as well as the diversity of individuals with disabilities from labor markets within the LWDA;

- (3) Set policy for the local workforce development system in partnership with the SVWDB;
- (4) Collaborate with the SVWDB to provide oversight of local Youth, Adult and Dislocated Worker programs and regional workforce development initiatives;
- (5) Approve the budget developed by the SVWDB;
- (6) Perform other duties as may be prescribed from time to time for Chief Elected Officials (CEO) under the Act or as prescribed by the Commonwealth of Virginia; and,
- (7) Establish such by-laws and such other rules as it deems necessary to govern its operations.

B. In partnership with the SVWDB, the Consortium shall develop, approve and submit all workforce development plans for the Shenandoah Valley Workforce Development Area.

SECTION 4: THE SHENANDOAH VALLEY WORKFORCE DEVELOPMENT BOARD

The Consortium hereby establishes the **Shenandoah Valley Workforce Development Board**. The Shenandoah Valley Workforce Investment Board (SVWIB) shall take the necessary steps to change its name to the Shenandoah Valley Workforce Development Board (SVWDB), incorporated under the laws of the Commonwealth of Virginia as a private, non-profit corporation.

4.01: APPOINTMENT OF MEMBERS TO THE SVWDB

A. The Consortium shall appoint at least one representative from each of the following public sector categories to the SVWDB:

- (1) Economic and Community Development Entities;
- (2) Department of Aging and Rehabilitative Services
- (3) Eligible providers administering adult education and literacy activities under title II, including a representative from a secondary public school's Career and Technical Education program;
- (4) Community Colleges
- (5) Virginia Employment Commission
- (6) Labor Organizations
- (7) Training Director or labor representative from a joint labor-management apprenticeship program

B. Not less than 20 percent of the members shall be from categories A(6) and A(7) above, or from community based organizations that have a demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or provide or support competitive integrated employment for individuals with disabilities or in addressing the employment, training, or education needs of eligible youth, including organizations that serve out-of-school youth.

C. The Consortium shall appoint a sufficient number of private industry members to the SVWDB to ensure that the total membership shall be comprised of at least a 51% majority of private industry members, who are owners, chief executives or operating officer with policy

making or hiring authority. These businesses, including small businesses, provide employment opportunities that include high-quality, work relevant training and development in high demand industry sectors or occupation in the local area. The Consortium shall appoint members in compliance with Section 107 (b) (2) (A) of the Workforce Innovation and Opportunity Act. In order to maintain a majority of private industry members, it may be necessary for some jurisdiction members to have more than one private industry member. In determining the allocation of additional private industry members the Consortium shall consider the relative populations of the member jurisdictions and Sub-Regions.

D. Subject to the limitations imposed by the mandatory representation outlined above, the Consortium may appoint representatives of other agencies or community based organizations providing regional planning, housing assistance, public assistance, educational services, employment training services, and other services and other individuals as the chief elected officials may determine to be appropriate.

4.02: DUTIES AND RESPONSIBILITIES

The SVWDB shall perform such duties and responsibilities as required under the Workforce Innovation and Opportunity Act and other laws and regulations promulgated by the Commonwealth of Virginia. The SVWDB shall carry-out its functions in a collaborative manner with the Consortium. The duties and responsibilities of the SVWDB include, but are not limited to:

- A. Establish such by-laws and such other rules as it deems necessary to fulfill its responsibilities under the Workforce Innovation and Opportunity Act.
- B. Select eligible providers of services for adults and dislocated workers.
- C. Select eligible providers of youth services with consideration of recommendations from the Youth Council.
- D. Select training providers.
- E. Assist the Governor in developing a statewide employment statistics system.
- F. Link private sector employers with local and statewide workforce activities in collaboration with local offices of economic development and secondary education, and institutions of higher education.
- G. Hire staff as necessary, and as funding permits, to support the program of the SVWDB.
- H. Direct the disbursement of all funds dispersed under the ACT for the Shenandoah Valley Workforce Development Area and the subsequent dispersion of such funds to designated service providers and/or subcontractors in accordance with the approved Workforce Development Plan.
- I. Prepare and recommend the following for consideration and approval of the Consortium:

- (1) A local strategic workforce plan.
- (2) Selection of the One Stop Operator or a One-Stop Consortium
- (3) An annual local operating budget
- (4) Local performance measures for approval by the Governor
- (5) Candidates for a Youth Council to serve as a subgroup of the SVWDB
- (6) A youth work plan

J. Work collectively with the Consortium to monitor and evaluate all programs initiated under this agreement.

4.03: TERMS

Beginning with program year July 1, 2015, the term of appointment for SVWDB members shall be four (4) years, with terms ending on June 30 of the year the term ends. Members may be eligible to serve two full consecutive terms,

4.04: VOTING RIGHTS

Each SVWDB member shall have one (1) vote on all matters before the SVWDB. Members shall be present to vote and voting by proxy shall not be permitted.

4.05: OFFICERS

The officers of the SVWDB shall include Chair, Vice Chair, and Secretary/Treasurer. Each officer shall serve for one (1) year; and, may be eligible for re-election. Only private industry members shall be eligible for election to the office of Chair and Vice Chair.

4.06: MEETINGS

The SVWDB shall hold regular or called meetings at such times, dates, and places as may be established in the by-laws of the SVWDB.

SECTION 5: LIABILITY

5.01: LIABILITY

In accordance with the Workforce Innovation and Opportunity Act, the Consortium shall be liable for any misuse of funds received under this agreement. Designation of a member jurisdiction or other entity as local grant recipient or fiscal agent does not relieve the member jurisdictions of the Consortium from liability for any misuse of WIOA grant funds. Each consortium member jurisdiction shall be liable only for its share of any loss equal to its respective share of WIOA funding.

5.02: INSURANCE REQUIREMENT

The Board shall procure and maintain *Directors and Officers Liability Insurance* sufficient to safeguard the Consortium, member jurisdictions, SVWDB officers and members, and SVWDB

employees from errors, omissions, and misuse of funds received and held by the Consortium, its grant recipient, fiscal agent, and the SVWDB.

SECTION 6: TERMINATION

This Agreement shall be terminated upon the repeal of the Workforce Innovation and Opportunity Act or successor legislation pertaining to Workforce Development or upon mutual consent of at least two-thirds (2/3) of the members of the Consortium.

SECTION 7: ADDITION TO/WITHDRAWAL FROM CONSORTIUM MEMBERSHIP

7.01: NEW MEMBERS

A political subdivision or municipal corporation of the Commonwealth of Virginia may petition the Consortium for membership provided that such local jurisdiction is part of the LWDA, as designated by the Governor in accordance with the provisions of the Workforce Innovation and Opportunity Act.

7.02: WITHDRAWAL

Any party to this Agreement shall have the right to withdraw from the Consortium after providing at least ninety (90) days written notification to the Consortium.

SECTION 8: AMENDMENT

This Agreement may be amended with the approval by resolution of the governing body of two-thirds (2/3) of the members of the Consortium.

SECTION 9: SEVERABILITY

If any of the provisions of this Agreement shall be found void or unenforceable for whatever reason by any court of law or equity, it is expressly intended that such provision(s) be severable and the remainder of the Agreement shall remain in force and effect.

SECTION 10: EFFECTIVE DATE

This amended Agreement shall become effective July 1, 2015.

This agreement is approved by resolution by the following member jurisdictions of the Commonwealth of Virginia:

Augusta County Board of Supervisors

By _____

Title _____

City of Buena Vista, Virginia

By _____

Title _____

Highland County Board of Supervisors

By _____

Title _____

Page County Board of Supervisors

By _____

Title _____

Rockingham County Board of Supervisors

By _____

Title _____

City of Waynesboro, Virginia

By _____

Title _____

Clarke County Board of Supervisors

By _____

Title _____

Bath County Board of Supervisors

By _____

Title _____

City of Harrisonburg, Virginia

By _____

Title _____

City of Lexington, Virginia

By _____

Title _____

Rockbridge County Board of Supervisors

By _____

Title _____

City of Staunton, Virginia

By _____

Title _____

Frederick County Board of Supervisors

By _____

Title _____

Shenandoah County Board of Supervisors

By _____

Title _____

City of Winchester, Virginia

By _____

Title _____

Warren County Board of Supervisors

By _____

Title _____

The Shenandoah Valley Workforce Development Board at its meeting on _____, 2015 considered the duties and responsibilities outlined in this agreement and consents to perform such duties and responsibilities in accordance with this agreement.

Shenandoah Valley Workforce Development Board

By _____

Title _____