



**WINCHESTER COMMON COUNCIL
IN WORK SESSION
SEPTEMBER 22, 2015**

A Work Session of the Winchester City Council was held on Tuesday, September 22, 2015 in the Council Chambers, Rouss City Hall. Council President John A. Willingham called the meeting to order at 8:08 PM.

1. Call to Order

Present: Councilor Evan Clark, John Hill, Kevin McKannan, Milt McInturff and Corey Sullivan; Mayor Elizabeth Minor; Vice Mayor Les Veach; Vice President William Wiley; and President John Willingham (9)

Absent: None (0)

2. Public Comments

3. Agenda

3.1. Winchester Public Schools Board Restructuring and Project Update

Erica Truban, Winchester Public School Board Chair, and Dr. Mark Lineburg, Winchester Public Schools Superintendent, provided an update on the John Kerr Elementary School project and a proposal to restructure the composition of the School Board.

Dr. Lineburg stated current enrollment is the largest it has ever been at just over 4,400 students. A few of the positives for the district include implementing a One to One Initiative at the Middle School level where all 6th graders have Chrome Books this year. That program will expand to the 7th graders and on up to the high school students over the next two to four years. This year, the pre-school program has been expanded from two sections to eight sections extending education opportunities to more of the students. Winchester Public Schools continues to rank in the top 10 out of 41 in funding for city school divisions in Virginia. That investment can be seen in the buildings and in the offerings. He stated some of the challenges the system faces are that over 60% of the students are on free and reduced lunches and those economically disadvantaged students are less likely to be in the advanced programs. Disproportionality is another issue as WPS is a minority/majority school division. The African American students are suspended from school at a greater rate than others. In addition, the division is disproportionate in the number of students earning advanced studies diplomas or who are even in the gifted programs. WPS staff is examining how they can remedy that situation. Another challenge is building relationships and cultivating

opportunities with the English Second Language Learners (ELL). Winchester has one of the fastest growing ELL rates in the Commonwealth with nearly 20% of ELL students and most of those at the elementary level. Family involvement also continues to be a challenge for the system and staff is strategically working on getting more families involved through the Handley Pride Day, Family Fun Nights and other events. The implementation of the redistricting coupled with the need to program the three non-student related buildings continues to be a challenge as the division moves forward to the future. The non-student related buildings are Central Administration on Washington Street, John Kerr Elementary on Jefferson Street, and the Douglas Community Learning Center.

Vice Mayor Veach asked how the enrollment of 4,398 compares to the Weldon Cooper projections. Ed Smith, Operations Director of Winchester Public Schools, stated it is about 150 students less than the amount predicted. Ms. Truban stated last year's enrollment was within 1% of the Weldon Cooper projection. Those numbers are being monitored closely as the larger elementary classes are reaching the middle school years and how it will affect the system long term.

Councilor Hill asked if there were any specific reasons why the African American students are suspended more frequently and what was being done to change that. Dr. Lineburg stated he did not know exactly why but it is being addressed through the Cultural Competency Program. The key is to recognize that it is disproportionate and they are trying to have a better positive behavior policy at all of the schools. The one that needs better positive behavior support is John Handley.

Ms. Truban stated the John Kerr Elementary School project is on time and on budget to open in August 2016. The \$500,000 contingency balance still remains but there are two modifications that could cause the need to use that account. The modifications that will be considered are the screening of roof top equipment and the hardscape area outside the cafeteria. The exterior of the building is about 80% complete. The next items to complete are the exterior brick work, the metal roofing, and the HVAC duct work.

President Willingham asked if there would still be a healthy contingency fund left over after those two items were deducted out. Mr. Smith stated most of the items that would be covered under the contingency fund have already been completed so there would still be a pretty healthy balance left over if those two items were done. Ms. Truban stated the goal is not to draw down the contingency fund to zero just to do it. It is her understanding that any funds leftover would revert back to the City.

Ms. Truban stated the School Board asked that she come before Council to answer any questions on the resolution the board passed a couple of weeks ago. The discussion to restructure the nine member School Board began in March 2014. The topic was discussed again in early June 2015 to see if there was more

interest. The focus of the discussion has been what would allow for the most efficient and effective governance structure of the School Board to meet the needs of the students. To have a high functioning team, the team has to get to know one another which can be challenging with a team of nine to see what interests them and what keeps them engaged. Out of 132 school divisions in Virginia, only 11 have boards with nine or more members. Of those 11, Winchester has the smallest student population. The recent turn over in board members has allowed them to see how it feels to govern as a group of seven instead of nine. The board consensus felt that they listened better and made better decisions as a body of seven. The recommendation is to reduce the board to seven members but retain the current structure that requires one member from each ward and the other three members would be at-large. The board is also hoping for some flexibility to the structure to prevent the situation when a member moves from ward to ward from having to sit out for 60 days waiting to be reappointed. In terms of timing, the board is asking this to take effect July 1, 2016, when the terms of two members expire. If the process is expedited to this coming year, there will be three of seven board members who would have served a year or less. It can be very challenging when there are not enough experienced members to mentor and bring the new members up to speed.

Councilor Hill asked how the board make-up would be when the two members' terms expire. Ms. Truban stated it would be an eight member board in 2017 and then a seven member board as of July 1, 2018.

Councilor Hill asked how many members would be from each ward and how many at-large. Ms. Truban stated there would be three at-large members and one from each ward. There would not be more than three from the same ward at any time. Councilor Hill questioned the fairness in the representation of each ward and whether people will feel represented especially when trying to get people involved. Ms. Truban stated it is a fair point as it will be a smaller group with fewer people for the community to have as a point of contact so she understands that concern.

Councilor Sullivan asked how many school divisions in the State have seven members. Ms. Truban stated a lot of the divisions have seven board members but she would have to get the exact number.

Councilor Sullivan stated with a city, there are more people in less space to represent. He asked how many boards are paid of the 132 school divisions. Ms. Truban stated she did not know but a vast majority is. Winchester is behind the curve in that but this board does not desire to seek compensation.

Councilor Sullivan asked how many are elected rather than appointed. Ms. Truban stated there are more elected than appointed and all of those are compensated.

Councilor McKannan asked how the representation is broken down to justify

having a lesser number on the boards that have less than nine members. He also expressed his concern about the possibility of having two or three wards underrepresented compared to the other wards. Ms. Truban stated there is currently only one representative in each ward so that would not change. What is changing is the board will lose two at-large spots. Currently, there are three members from Ward 1, two members from Ward 4, two members from Ward 2 and one vacancy in Ward 3. Sometimes there are two members from each ward but typically there is not.

Councilor McKannan stated by reducing the number there would be more likelihood for a possible underrepresentation of the other wards. Ms. Truban agreed and stated you never know what the board will be like or when it will change. She stated this board functions as if they represent the entire city not just the individual wards. They don't look at it as wards especially with a flagship middle school and a flagship high school that serves more than half of the students. Most of the citizens email the whole board instead of their ward representative. With the new redistricting options, the wards will no longer align with the elementary school zones.

Councilor Hill stated he understands that but sometimes when working with the public they need someone they can contact because they are not sure that they can contact just anyone. He thinks a lot of people feel more at ease knowing they have two representatives that they can contact. He thinks it will probably help with the problems of parents participating because they just don't know and it may be a comfort level with having two people to contact.

Councilor McKannan stated the other issue he would have with having fewer numbers is if there are seven versus nine members and two are lost, it will create a larger percentage of board members to face the learning curve than there is currently.

Ms. Truban stated she will follow up on the question regarding the number of wards if she can get the information from the School Board Association.

President Willingham stated Council interviewed two great candidates tonight for one position and asked if there was a way to develop a system to have folks ready to come on the board. Ms. Truban stated if the board could find out who applied but were not selected, they could contact them to get them involved and possibly serve on a committee.

Councilor Clark stated the representation from each ward is very important so there is not a big sway or pull from one section of town. He thinks that is even more important at the School Board. He would lean toward having the same structure as Council does with two members from each ward and one at-large. Winchester has a long history of tilting to one portion of town and he does not want to repeat that.

Councilor Hill thanked Dr. Lineburg and Ms. Truban for attending the Neighborhood Watch meeting last night. He stated they did a tremendous job in explaining the process and answering questions regarding the potential use of the Douglas Community Learning Center and commended them on everything they have done and are doing for the community.

3.2.O-2015-25: First Reading - An Ordinance to Vacate a Portion of West Commercial Street Right of Way and Convey it to the Owner(S) of 143 West Commercial Street and 206 West Wyck Street Sv-15-448

Tim Youmans, Planning Director, presented the request to vacate the six foot wide strip of public right-of-way along Commercial Street to the property owners of 143 West Commercial Street and 206 West Wyck Street. The goal is to reset the boundaries and sell two portions of the properties separate from the larger portion off of Wyck Street. Staff has recommended frontage improvements be made as part of this request. Council would also need to consider the compensation amount due to the City for that land area. In a comparable situation at the end of Roberts Street, there was a \$2.50 per square foot term and Mr. Pifer committed to doing a site development there. The right-of-way that was vacated was deeded to accommodate commercial development that would generate tax revenue to the City. In this case, the owners do not have any immediate plans to expand the business, so staff suggests a small landscaping improvement along the front of the property to serve the public interest and justify a comparable figure to Roberts Street at \$2.50 per square foot. He stated the properties close to the roadway, 143 and 151 Commercial Street, are assessed at \$5.00 per square foot and the larger parcel at \$6.00 per square foot. The \$2.50 per square foot would be 50% or less of the assessed value. One property owner expressed concern that this will impact the usability of the street but Mr. Youmans said it does not affect that at all. The Planning Commission did send this forward with a recommendation for approval.

Councilor Clark asked if the owner for the property on the corner will be asked to leave or take down the fence that is in the public right-of-way. Mr. Youmans stated he would need to see how long it has been there and whether it is grandfathered in or not. If it is in the public right-of-way, it probably was not grandfathered in.

Councilor Clark asked if there is a sidewalk through this area. Mr. Youmans stated there is not a sidewalk. There is a concrete apron that runs along this area which is one reason staff is asking them to pull the green area back so the landscaping will not be in the way if sidewalks are installed.

Councilor Clark asked if there is a sidewalk on the north side. Mr. Youmans stated there is a sidewalk near GearClean and there will be a sidewalk going in on the next parcel closer to Pennsylvania Avenue but not in this block.

Councilor Clark stated the reason he asked about the sidewalk is the migrant worker camp is right around the corner and people are walking down Commercial Street to get to businesses and restaurants on Loudoun and Braddock Streets. There is foot traffic there during certain times of the year so he thinks a sidewalk on at least one side of the street would be indicative. If the property owner is allowed to have a fence six feet over the property line into the right-of-way, it negates the possibility of having a sidewalk there unless they are told they will have to remove it if and when a sidewalk is installed.

Councilor Sullivan asked if the property being vacated goes all the way to Fairmont Avenue. Mr. Youmans stated it at least goes to the railroad right-of-way. There is an old railroad right-of-way but it is not part of the properties associated in the request. He does not know if research has been done to determine if the City's road is over their right-of-way or if the railroad is over the City's right-of-way. The request does not include a conveyance of this right-of-way to the railroad.

Councilor Veach stated the right turn off of Fairmont onto Commercial is a little tight if there is another car on Commercial and asked if this precludes the City to ever expand Commercial Street to make it safer. Mr. Youmans stated the City would need to negotiate with the railroad to create a wider radius there.

Ron Mislowsky, representative for the applicant, asked to clarify if the proposal from City staff would be the landscaping instead of the charge or \$2.50 per square foot plus the landscaping. Mr. Youmans stated the intent would be instead of charging \$5.00 or \$6.00 a square foot, Council would consider \$2.50 or some fraction of the \$5.00 - \$6.00 per square foot in conjunction with the landscaping.

Mr. Mislowsky asked what the deal was on Roberts Street. Mr. Youmans stated they paid \$2.50 plus they committed to doing site development for which they have submitted a site plan for now.

President Willingham asked if Council decides to proceed with the landscaping improvements, would it be in a separate agreement or in the ordinance. Mr. Youmans stated it would be included in the ordinance.

Councilor McInturff moved to forward O-2015-25 to Council with the price of \$2.50 a square foot and the landscaping improvements. The motion was seconded by Mayor Minor.

Vice President Wiley move to amend the motion to only include the landscaping. The motion was seconded by Vice Mayor Veach.

President Willingham asked what the total cost would be at \$2.50. Mr. Youmans stated a rough calculation of 1,359 square feet times \$2.50 would compensate the City just under \$3,400.00.

President Willingham asked if there was any idea on what the landscaping cost would be. Mr. Mislowsky stated he did not know the cost. However, Doyle would be paying a smaller portion of the \$3,400 but to have to pay all of the costs of the landscaping. Mr. Youmans stated that Mr. Butler's letter indicated that Doyles would be purchasing both the lot that has sufficient landscape as well as the one for improvements.

Vice President Wiley's motion to amend the motion to only include the landscaping was unanimously approved by voice-vote.

RESULT:	APPROVED TO FORWARD [UNANIMOUS]	Next: 10/13/2015 6:00 PM
MOVER:	Milt McInturff, Council Member	
SECONDER:	Elizabeth Minor, Mayor	
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham	

3.3.O-2015-22: First Reading - Rz-15-421 an Ordinance to Rezone Approximately 16.4 Acres of Land Containing Approximately 96 Parcels, Either in Full or in Part, to be Included in the Corridor Enhancement (CE) District; as Depicted on an Exhibit Entitled: "National Ave Proposed CE District" Prepared by Winchester Planning Department on 6/23/2015.

Mr. Youmans presented the proposal to create a Corridor Enhancement District along National Avenue from Berryville Avenue to in front of the Timbrook Public Safety Building that would eliminate the underlying districts currently in place. A public information meeting was held for all of the property owners with a very low attendance of 6-8 property owners. No opposition was given at the public information meetings or at the Public Hearing held during the Planning Commission meeting.

Councilor Hill asked if any more hearings will be held. Mr. Youmans stated Council will hold a public hearing before adopting the ordinance.

Councilor Clark asked why Chopsticks at the corner of Kent and Piccadilly Street is excluded. Mr. Youmans stated Chopsticks is already in the local Historic District and they did not want two sets of overlay guidelines over the same property.

Councilor Clark asked if the row apartments on North Pleasant Valley that are in the Berryville Avenue district could be moved to the National Avenue district. Mr. Youmans stated that would require a rezoning with advertising and a public hearing by the Planning Commission.

Councilor Clark asked if the two corridor enhancement district different. Mr. Youmans stated the Berryville Avenue District is geared toward commercial development whereas the National Avenue District is primarily residential. When it came forward, there was an interest in guiding the four corners of that intersection consistently which is why the townhouses were included in the Berryville Avenue District.

Councilor Sullivan stated something similar was done on Cork Street where fences were going to be replaced and painted. Mr. Youmans stated Council did commit to funding that along with the sidewalk project that was done. When staff talked to the property owners who had the chain link fences or other fencing, it was not well received in terms of reducing the height of the fence they currently had. In many cases, they had dogs that they felt a six foot high fence would not contain.

Councilor Sullivan stated the same thing could happen on National Avenue where they would not have to do what the City asks them to do. Mr. Youmans stated if the property owner proposes a change after the adoption of the ordinance, they would need a Certificate of Appropriateness administratively approved by the Planning Director.

Vice President Wiley moved to forward O-2015-22 to Council. The motion was seconded by Councilor Hill.

President Willingham asked if this is in the Enterprise Zone. Mr. Youmans stated a narrow band of the Enterprise Zone would be included in the district.

President Willingham stated this is the number one corridor into downtown and it needs to be protected. This is a defense mechanism that can be used and he would like to see what can be done to go on the offense.

RESULT:	APPROVED TO FORWARD [UNANIMOUS]	Next: 10/13/2015 6:00 PM
MOVER:	Bill Wiley, Council Vice President	
SECONDER:	John W. Hill, Council Member	
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham	

3.4.R-2015-32: Resolution to Approve the PY2014 Consolidated Annual Performance and Evaluation Report (CAPER)

Tyler Schenck, Special Projects Coordinator, presented the resolution to approve the Program Year 2014 Consolidated Annual Performance and Evaluation Report that is required by HUD to receive funding each year.

RESULT:	APPROVED TO FORWARD [UNANIMOUS]	Next: 10/13/2015 6:00 PM
MOVER:	Evan H. Clark, Council Member	
SECONDER:	Elizabeth Minor, Mayor	
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham	

3.5.O-2015-23: First Reading - An Ordinance to Amend Article Ix of the Winchester City Code Pertaining to Assemblies, Demonstrations and Parades

Eden Freeman, City Manager, presented the amendment to clarify a current practice in the City. She stated City Council's approval is required for the use of City property for photography, filming, or other activities. In order to be more

flexible and responsive to requests, this amendment would allow the City Manager or their designee to grant the approval.

Mayor Minor moved to forward O-2015-23 to Council. The motion was seconded by Vice President Wiley.

Councilor Clark asked how this would affect a news crew doing a story on a Council decision or a news event on the Old Town Mall. Anthony Williams, City Attorney, stated it would specifically pertain to obtaining a video or photographs for commercial purposes otherwise you would be regulating tourists.

Vice Mayor Veach asked if this would require insurance from the filming company. Ms. Freeman stated the Special Event Permit already requires they provide a Certificate of Insurance naming the City as an additional insured. This would be adding the approval process to the existing Special Event Permit.

RESULT:	APPROVED TO FORWARD [UNANIMOUS]	Next: 10/13/2015 6:00 PM
MOVER:	Elizabeth Minor, Mayor	
SECONDER:	Bill Wiley, Council Vice President	
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham	

3.6.R-2015-33: A Resolution that Renews and Amends the Special Event Promotion and Related Services Contract Between the City of Winchester and USA Sports and Marketing, LLC

Ms. Freeman stated the contract with USA Sports and Marketing is reaching its initial termination date which is three years from the date of inception of that agreement. Those services have been provided and there is a spreadsheet included in the packet that shows the results for the first two years. All of the numbers for this year for the attendance of the events and the revenue realized are not available yet because the contract allows for 60 days from the end date of an event to provide them and report out. This item has been discussed numerous times by the Old Town Development Board and the board is recommending the contract be extended for one year with the existing inflation rate of 2.5% for the retainer. During that time period, the OTDB will begin working on a scope of work for what they would like to see as a continuation RFP that will go out sometime in the next six months. That was at her request to the OTDB because of the interest in providing a fair and equitable playing field for any entities interested in bidding on this. She did not feel it was in the City's best interest to put out a rushed RFP that staff was not sure would serve the needs of the community. Overall, some remarkable numbers have been achieved in terms of return on investment to the community. For example, parking is up dramatically year over year and downtown meals spending and meals tax revenue is also increasing but part of that is the result of the increase in meals tax.

RESULT:	APPROVED TO FORWARD [UNANIMOUS]	Next: 10/13/2015 6:00 PM
MOVER:	Les Veach, Vice Mayor	
SECONDER:	Elizabeth Minor, Mayor	
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham	

3.7.R-2015-34: Resolution Amending Sections 1.6, 3.9J, 6.2, and 7.8, of the City of Winchester's Comprehensive Employee Management System

Ms. Freeman presented the amendments to the Comprehensive Employee Management System (CEMS) to extend the probationary period for new hire employees from six months to nine months to determine whether a person is the best fit for the City or not during the probation period. The second item is to clean up the requirement for employees to submit a Request for Authorization for Secondary Employment. This will not impact what any of the employees are currently doing for secondary employment rather just to document in their personnel file that what they are doing for secondary employment is not in conflict with their regular duties as a City employee. The third item is to amend the number of floater days that employees receive. Currently, the City has eight holidays and staff is granted five floater days. Under this proposal, two floater days will be eliminated and replaced with two holidays. The holidays will be Dr. Martin Luther King's Birthday in January and Veteran's Day in November. The employees have already been granted the floater days for this year so the City will not be removing one floater day. Instead, the employees will be realizing one additional day off this year. If Council approves this, the Veteran's Day holiday will be taken by staff in November. In comparison, the State and County take 14 holidays in a year so the City is still less the number of holidays taken by other government entities.

RESULT:	APPROVED TO FORWARD [UNANIMOUS]	Next: 10/13/2015 6:00 PM
MOVER:	Kevin McKannan, Council Member	
SECONDER:	Bill Wiley, Council Vice President	
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham	

3.8.O-2015-24: - AN ORDINANCE AMENDING SECTION 13-1-5 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO BONUS INCENTIVES TO INCREASE ALLOWABLE RESIDENTIAL DENSITY FOR PLANNED UNIT DEVELOPMENTS. (Amendment Will Establish Additional Density Bonuses and Allow for PUD Projects to be Considered for Up to 27 Units Per Acre.)

Aaron Grisdale, Director of Zoning and Building Inspections, stated at the August 25th meeting, the applicant requested a one-month tabling of this issue to allow him to gather more information and make a presentation to Council. The applicant has submitted some information and would like to make some comments about his findings.

Ty Lawson stated Council asked questions about what other localities have in

place. He looked at Charlottesville and Fredericksburg and both have universities and historic districts and they also have language to incentivize density near the universities. His proposal is for Council to have more options city-wide. Charlottesville uses a map and a marked district around the university with the different density bonuses. In Fredericksburg, there is a provision that allows the council to approve different percentages outside of the maximum density bonuses already given. He is proposing to use the same density bonuses Winchester currently has for the downtown area in the PUD overlay district. If Council is interested in applying the bonuses to the catalyst sites, the proposal would also give the flexibility to do so. He offered to provide more information but stated he is looking for Council feedback on whether it is desirable or not.

Councilor McKannan asked if Charlottesville and Fredericksburg are limited in terms of height compared to Winchester. Mr. Lawson stated he does not have that information in front of him. Charlottesville has an interesting terrain so they have some pretty liberal height restrictions that may be because of the differences in grade. They have been pretty creative with their densities. Fredericksburg has a flatter terrain so you don't see that as much.

President Willingham stated Fredericksburg has two new, very large complexes that are about six stories high.

Councilor Sullivan asked what the current zoning is for the Shenandoah University campus. Mr. Grisdale stated it is a special designated district for higher education, HE-1. Councilor Sullivan expressed an interest in Charlottesville's university district and suggested it might be something for Council to consider given the expected growth in the area.

President Willingham asked if there was a way to look at the City's current Comp Plan to say where the City wants to see certain types of development and the incentives it wants to provide. This would be a very strategic and structured way rather than changing the amendments and then figuring out the sites. He thinks the text amendment makes sense but it needs to be applied to the city.

Tim Youmans, Planning Director, stated the challenge is staff hears Council wants to scrutinize particularly the multi-family projects to look at how much of a mix of uses there are. If someone redevelops Wards Plaza for instance and does only multi-family, Council may not be inclined or as receptive to give them 50 units per acre as someone who wants to offer 150,000 square feet of tax revenue generating commercial use as part of a Conditional Rezoning or Planned Unit Development which has a higher density than someone who comes in and only does something that generates school children.

President Willingham agreed and stated it could say those particular sites need some density but the City would prefer commercial so don't put so much heavily there or find another site. He stated it would take some time for staff to gather

some data to answer the questions for how to structure it.

4. Communications

4.A. *Monthly Reports*

4.A.1. WFRD August 2015 Report

The meeting was adjourned at 9:42 PM.

Kari J. Van Diest, CMC
Deputy Clerk of Council