

City Council Work Session

Tuesday, July 16, 2013

6:00 p.m.

Council Chambers – Rouss City Hall

AGENDA

1.0 Call to Order

2.0 Public Comments: (Each person will be allowed 3 minutes to address Council with a maximum of 10 minutes allowed for everyone.)

3.0 Items for Discussion:

3.1 Presentation: Weldon Cooper Study of School Population – Qian Cai, PhD., Director of Demographics and Workforce, & Becky Tippet, Research Associate, Weldon Cooper Center for Public Service (pages 2-15)

3.2 O-2013-20: UPDATE – AN ORDINANCE TO AMEND AND RE-ENACT SECTION 26-33 OF THE WINCHESTER CITY CODE PERTAINING TO SPECIAL PROVISIONS RELATING TO LOUDOUN STREET MALL (*Regulations for Delivery Trucks on the Old Town Mall*) – Jennifer Bell, Downtown Manager (pages 16-41)

3.3 O-2013-22: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 10-51 OF THE CITY CODE TO INCLUDE AN EXCEPTION FOR BLASTING OPERATIONS RELATED TO CEMETERY BURIAL OF DECEASED HUMAN REMAINS (*Reduction of insurance requirement for blasting at cemeteries*) – Allen Baldwin, Fire & Rescue Chief (pages 42-45)

3.3 R-2013-32: Resolution – To allow Buettner Tire Distributors to enter into a contract with the City of Winchester for automotive services – Mary Blowe, Finance Director (pages 46-48)

3.4 R-2013-33: Resolution – To amend and re-adopt sections 7.2 and 7.4 of the Winchester Comprehensive Employee Management System (“CEMS”) – Joel Davis, Human Resources Director (pages 49-53)

4.0 Liaison Reports

5.0 Monthly Reports

5.1 Fire & Rescue Department (pages 54-57)

5.2 Police Department (page 58)

6.0 Adjourn



WELDON COOPER
CENTER FOR PUBLIC SERVICE
University of Virginia

City of Winchester

Population Trends & School Enrollment Projections, 2013 – 2022

The City of Winchester Public Schools contacted demographics professionals at the Weldon Cooper Center to provide background research on population trends to inform development of a long-range capital improvement plan. City leaders have observed a steady uptick in school enrollment over the past few years and would like to discern the drivers – and permanence – of this trend. Ultimately, the school division aims to make an informed decision about the need for a new school building in the next decade.

In response to these needs, the Demographics & Workforce Group at the Weldon Cooper Center has conducted an examination of the past twenty years of demographic change in Winchester, including a study of population, households, and school enrollment trends. Through this examination, we found:

1. Winchester’s population growth in the last decade came entirely from minority groups. While the non-Hispanic white population declined between 2000 and 2010, all minority groups grew, with 77 percent of total growth attributable to the city’s Hispanic population.
2. Among the four components of population change – births, deaths, in-migration, and out-migration – births were the primary driver of growth in the city in the last decade, including a significant increase in births to Hispanic mothers. In-migration and out-migration, on the other hand, were balanced quite evenly, resulting in a small amount of net in-migration.
3. Winchester’s more diverse and younger population has driven increased school enrollment. These trends are not an artifact of the recession, and are expected to continue into the future.

This report contains major findings of our analysis of population trends, as well as school enrollment projections for Winchester City Public Schools for 2013 through 2022.

Winchester’s population is growing more diverse.

The population of Winchester is growing. Winchester had 23,585 residents in 2000 and 26,203 residents in the recent 2010 Census. The 11 percent growth rate experienced in the last decade was substantially higher than the 7.5 percent growth rate between 1990 and 2000.

This population increase was fueled by growth in Winchester’s minority populations, particularly Hispanics. As shown in Table 1, one percent of Winchester’s population in 1990 was Hispanic. Today, Hispanics comprise 15 percent of the total population and are the largest minority group in Winchester.

Between 2000 and 2010, all population growth in Winchester came from growing minority populations and Hispanic growth accounted for 77 percent of the total growth. Growth among Winchester’s other minority groups – blacks, Asians, and other racial groups – has been modest in comparison. Growth among blacks, the second largest minority group, contributed 10 percent to the city’s growth, while Asians and other minorities contributed 7 and 6 percent, respectively. Conversely, both the number and proportion of non-Hispanic whites in Winchester has been steadily declining over the past two decades. The non-Hispanic white population dropped by over 600 people between 2000 and 2010, translating into a ten-point decrease in population share from 79 to 69 percent.

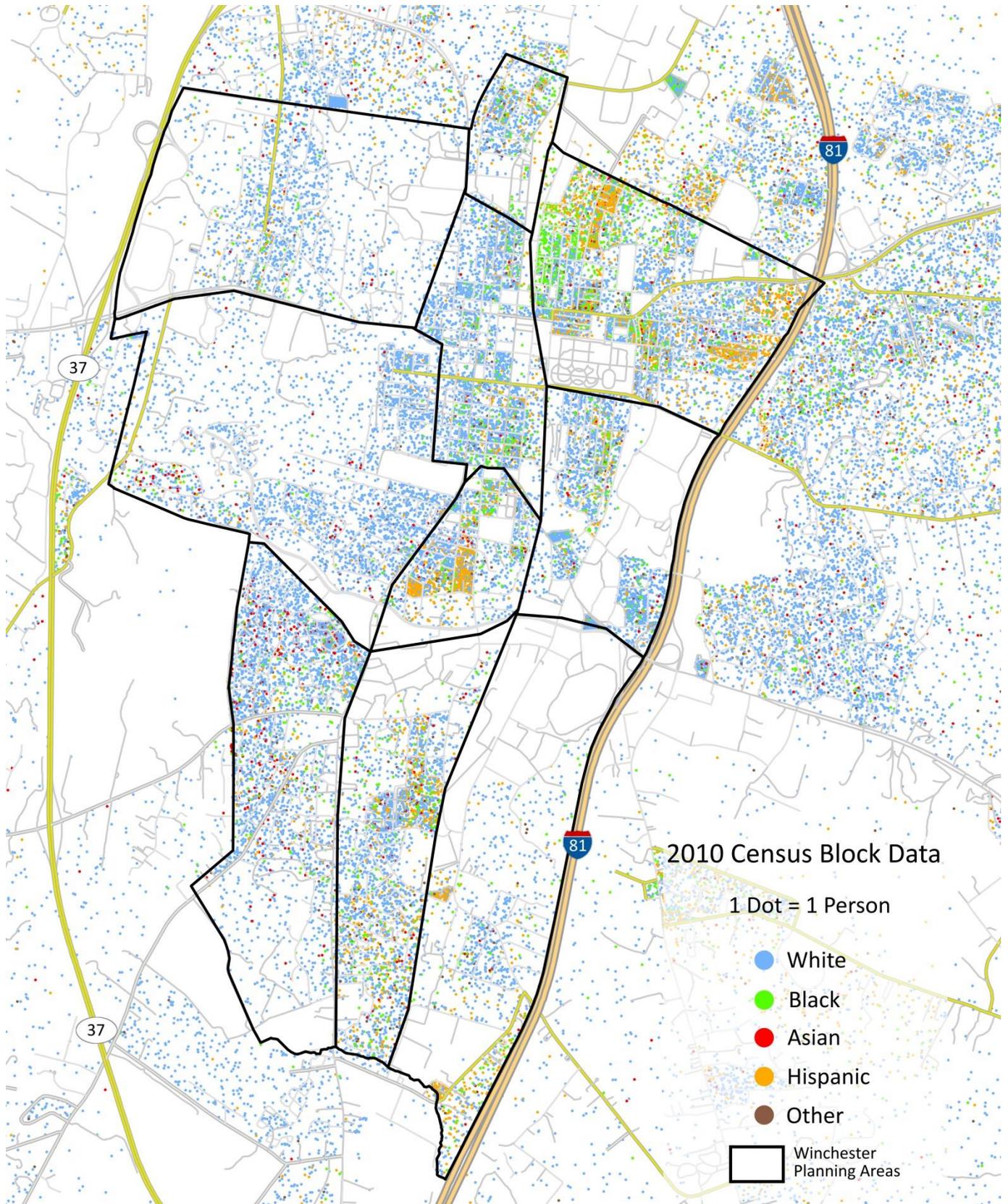
Table 1: Winchester Demographics, 1990-2010

	1990 Census	2000 Census	2010 Census
Total Population	21,947	23,585	26,203
% Race / Ethnicity			
White	87.9	79.4	69.0
Black	10.0	10.4	10.6
Asian	1.0	1.6	2.3
Hispanic	1.0	6.5	15.4
Other	0.2	2.1	2.7
% Age Groups			
Under 18	21.6	21.7	22.2
18 to 39	37.6	35.6	33.4
40 to 64	25.5	28.2	30.3
65 and Over	15.2	14.5	14.0
Median Age	33.8	35.2	35.1
% Sex			
Female	52.2	51.5	50.8
Male	47.8	48.5	49.2

Source: U.S. Census Bureau

Figure 1 shows the neighborhood distribution of Winchester residents by race and ethnicity. Each dot (color-coded by race and ethnicity) represents one person. Non-Hispanic white residents are prevalent in all neighborhoods, but are most highly concentrated in neighborhoods on the western side of the city and in the north central planning area. Black residents are heavily concentrated in the northeast area of the city. Winchester’s Asian residents are predominantly concentrated in the southwest and west central planning areas, while the new Hispanic residents are geographically clustered in the northeast area of Winchester, near Interstate 81, and in the central planning area.

Figure 1: Dot Density Map of Winchester by Race and Ethnicity, 2010



Note: Dots are randomly distributed within Census Blocks and do not represent actual residences.
Demographics & Workforce Group, Weldon Cooper Center for Public Service, *University of Virginia*

Winchester's population is growing slightly younger.

Virginia, on the whole, is growing older. As the large population of baby boomers ages, and increases in longevity continue, the median age in Virginia is rising, as is the proportion of Virginians ages 65 and older. Population aging, however, is not uniform across the commonwealth. Many independent cities and large metro areas in Virginia are aging more slowly than rural and suburban counties. Some urban localities are even growing younger in absolute terms.

Table 1 shows that Winchester has not experienced population aging over the last decade. In 2000, Winchester's median age of 35.2 was in line with the state median age of 35.7. In 2010, Winchester's median age had decreased slightly to 35.1, while the statewide median age had risen substantially to 37.5. The proportion of the population under age 18 increased from 21.7 percent in 2000 to 22.2 percent in 2010, while the proportion of the population ages 65 and over declined from 14.5 percent to 14 percent in the same period.

These trends in age composition are closely related to the broader changes in ethnic composition occurring throughout the city. Specifically, in-migration of young Hispanics and births to Hispanic families contributed significantly to lowering the median age in Winchester.

Recent growth was driven by births.

Demographic data show that Winchester has been undergoing significant population changes in the last two decades. Identifying the forces behind these trends helps to determine the likelihood they will continue. In general, population change has four primary components: births, deaths, in-migration, and out-migration. Growth from more births than deaths is called natural increase. Net migration captures whether more individuals moved to an area than moved out, or vice versa.

Table 2 shows the components of population growth for the past three decades for Winchester and Frederick County. Between 1980 and 1990, natural increase led to just under one quarter of population

Table 2: Components of Population Change by Decade, Winchester & Frederick County

	1980-1990	1990-2000	2000-2010
Winchester			
Natural Increase	23%	42%	57%
Net Migration	77%	58%	43%
Total	100%	100%	100%
Frederick County			
Natural Increase	24%	26%	22%
Net Migration	76%	74%	78%
Total	100%	100%	100%

Source: U.S. Census Bureau & Weldon Cooper Center

growth in both localities, while net migration accounted for the remaining three-quarters. Over the next two decades, the relative contribution of natural increase and net migration to population growth remained fairly stable in Frederick County, while the balance shifted substantially in the city. Between 1990 and 2000, 42 percent of Winchester’s growth was due to more births than deaths. This proportion increased to 57 percent between 2000 and 2010. Recent growth in Winchester has primarily been driven by births, not net in-migration.

Although migration data are not as readily available as vital statistics, the Internal Revenue Service’s data based on an individual’s filing addresses in two consecutive years provide a general picture of county-to-county migration patterns. Table 3 compares the number of exemptions claimed by movers into Winchester (in-migration) and movers out of Winchester (out-migration) between 2001 and 2010. With the exception of 2003-2004, the IRS data indicate slight net out-migration for nearly all years. While the IRS data do not provide a complete picture of all movers, the well-balanced in and out flows further confirm that net migration is not a big growth factor for Winchester.

Table 3: IRS County Migration Profile for Winchester 2001-2010

Year	In-Migration	Out-Migration	Net Migration
2009-2010	2,749	2,780	-31
2008-2009	2,603	2,807	-204
2007-2008	2,521	2,725	-204
2006-2007	2,388	2,816	-428
2005-2006	2,670	2,829	-159
2004-2005	2,741	2,859	-118
2003-2004	1,916	1,846	70
2002-2003	1,742	1,947	-205
2001-2002	1,760	1,796	-36

Source: Internal Revenue Service

Table 4 shows births in Winchester by race and Hispanic origin between 2000 and 2011. Births in Winchester started to increase in 2003, with the number of births peaking in 2007, just prior to the recession. Although births have declined from their peak, they have remained higher than earlier in the decade.

The growing number of births is a direct reflection of the increasing Hispanic population in Winchester. Table 4 shows that the proportion of total births to Hispanic mothers increased from 14 percent of all births in 2000 to 32 percent of all births in 2006, and Hispanic births have comprised roughly one-third of all births in Winchester in each year since 2006. There has been little variation in births to non-Hispanic blacks, whites, and other race residents in Winchester over the past decade.

Table 4: Winchester Births by Race and Hispanic Origin, 2000-2011

Year	Total Births	Hispanic	Non-Hispanic			Percent Hispanic
			White	Black	Other	
2000	335	46	248	36	5	14
2001	373	56	269	46	2	15
2002	348	91	210	44	3	26
2003	398	88	268	36	6	22
2004	413	105	252	49	7	25
2005	435	122	269	37	7	28
2006	434	141	242	44	7	32
2007	495	173	273	36	13	35
2008	404	136	212	48	8	34
2009	392	127	215	38	12	32
2010	446	162	236	38	10	36
2011	404	131	220	42	11	32

Source: Virginia Department of Health

Hispanics represent a notably greater proportion of Winchester’s births than their share of the total population for two reasons: 1) Hispanics tend to be younger and are more likely to be of childbearing ages, and 2) Hispanic women have higher births rates than other groups. First, as illustrated in Table 5, Hispanics are younger. A majority of Hispanics is under the age of 40, with many in prime childbearing ages, and this group had large numerical growth in the last decade. In comparison, in 2010, the majority of non-Hispanic whites were over the age of 40, and their younger counterparts declined as a proportion of the population. As the number of non-Hispanic white females of childbearing age decreased, the number of Hispanics increased significantly.

Table 5: Winchester Non-Hispanic Whites and Hispanics by Age and Sex, 2000-2010

	Non-Hispanic Whites			Hispanics		
	2000 Census	2010 Census	Change	2000 Census	2010 Census	Change
Male Age Groups						
Under 18	1,812	1,637	-175	251	811	560
18 to 39	3,101	2,644	-457	572	1,093	521
40 to 64	2,664	2,995	331	134	356	222
65 and Over	1,207	1,324	117	12	29	17
Female Age Groups						
Under 18	1,825	1,443	-382	195	694	499
18 to 39	3,235	2,887	-348	300	782	482
40 to 64	2,923	3,176	253	55	244	189
65 and Over	1,957	1,979	22	8	32	24
Total	18,724	18,085	-639	1,527	4,041	2,514

Source: U.S. Census Bureau

Second, Hispanic women have much higher birth rates. Birth rates are measured as the number of births per 1,000 women of childbearing age. Statewide, Virginia’s birth rate for each year in the last decade was, on average, 64 per 1,000 women (ages 15 – 44). Winchester’s average non-Hispanic white birth rate was 61 – slightly lower than the state overall – while its Hispanic birth rate was 178, nearly three times the birth rate of non-Hispanic whites.

In contrast to the role of young Hispanics in increasing births in Winchester, deaths in the city are heavily concentrated among non-Hispanic whites. Table 6 shows deaths in Winchester by race and Hispanic origin between 2000 and 2011. Deaths in Winchester have been fairly constant over the past decade, averaging 255 deaths per year. Fewer than 4 percent of deaths each year occurred among Hispanic residents, due, in large part, to their young ages. In contrast, more than 80 percent of deaths each year were non-Hispanic whites. These data further support that the population composition in Winchester is changing, with a decline in non-Hispanic white residents and growth among Hispanic and other minority groups.

Table 6: Winchester Deaths by Race and Hispanic Origin, 2000-2011

Year	Total Deaths	Hispanic	Non-Hispanic		
			White	Black	Other
2000	260	5	237	18	0
2001	258	4	234	20	0
2002	272	2	242	27	1
2003	224	5	201	18	0
2004	242	3	211	27	1
2005	252	5	228	19	0
2006	273	4	238	27	4
2007	248	3	228	15	2
2008	265	7	216	41	1
2009	251	10	218	22	1
2010	284	5	251	25	3
2011	236	9	198	27	2

Source: Virginia Department of Health

Larger household sizes are not the result of recent economic conditions.

One of the major questions regarding the recent school enrollment increase was whether it resulted from a “doubling up” of families in response to current economic conditions, and whether these patterns would reverse as the economy improved. Instead of documenting net in-migration since the recession, our analysis of IRS data revealed constant movement into and out of Winchester, with overall slight net out-migration. This does not support the notion that population is growing because families and individuals from outside of Winchester are moving in and “doubling up” with current residents; rather, as indicated above, Winchester’s population growth is being driven by an increase in births

resulting from changing population composition. While it is possible that the recession caused some related or unrelated individuals to move in together, the data do not indicate this was a substantial driver of increased household size.

Average household size in Winchester increased from 2.28 in 2000 to 2.38 in 2010. The change is largely due to changing population composition and the increased number of Hispanic households, which are much larger than non-Hispanic households. In 2000, only 4 percent of occupied households were headed by Hispanics. By 2010, that number reached 9 percent. In 2010, white and black householders had an average household size of 2.15 and 2.54, respectively. Among Hispanic householders, the average household size was 4.12. Compared to other racial and ethnic groups, Hispanic households are less likely to be a single person living alone; more likely to include married couples with children living at home; and more likely to be multigenerational or extended family households. This large household size among Hispanic residents is neither new nor a result of the economic downturn. In 2000, before the recession, Hispanic householders had an average household size of 3.85, larger than the average household size for any other group.

In short, the increased household size in Winchester is primarily the result of a significant, growing presence of Hispanic residents, who tend to be younger, with larger families and higher birth rates. The size of the Hispanic population in Virginia nearly doubled between 2000 and 2010, increasing by more than 300,000 total residents. This population growth was not evenly distributed throughout the state, and certain localities, such as Winchester, experienced growth rates higher than the state average. Hispanic population growth is not a transient phenomenon fueled by recent economic conditions; these Hispanic residents are the city's new residents, living, working, and attending school in the city.

School enrollment increases are being fueled by Hispanic growth.

Following the trends in Winchester's overall population, the public school student population is also growing, and the composition is changing. Using enrollment data, Table 7 shows that there was a net increase in the total number of students over the last several years; between 2003 and 2012, enrollment in Winchester schools increased by 600 students. Hispanic enrollment grew by 800 students, while non-Hispanic enrollment dropped by 200 students.

Future enrollment is projected to grow by eleven percent in ten years.

Our analysis of population change in Winchester revealed substantial shifts in population composition that are fueling the recent increases in school enrollment. Given the importance of the growing Hispanic population to these trends, the future size and composition of the Hispanic population are critical to developing school enrollment projections.

Table 7: Fall Membership in Winchester Schools by Race and Hispanic Origin, 2003-2012

School Year	Total Enrollment	Hispanic	Non-Hispanic			Percent Hispanic
			White	Black	Other	
2003-04	3,624	423	2,455	643	103	12
2004-05	3,678	503	2,344	703	128	14
2005-06	3,734	576	2,340	709	109	15
2006-07	3,751	627	2,296	689	139	17
2007-08	3,732	662	2,258	677	135	18
2008-09	3,801	759	2,177	705	160	20
2009-10	3,810	765	2,157	725	163	20
2010-11*	3,960	1,006	2,047	513	394	25
2011-12	4,099	1,109	2,049	533	408	27
2012-13	4,230	1,221	2,045	511	453	29

*In 2010-2011, Winchester schools introduced the category "Two or more races." This category may have drawn respondents who would otherwise classify themselves as black or African-American.

Source: Virginia Department of Education

Projecting Population

Winchester’s population is projected to grow by another 1,760 residents by 2020 according to Cooper Center population projections¹. The Hispanic population proportion is also projected to grow larger, reaching nearly 20 percent by 2020, and the population of Hispanic females of childbearing age (between 15 and 44) is projected to increase from approximately 1,000 to 1,500 by 2020².

Projecting Births

Trends in future birth rates are critical to school enrollment projections, as the number of births in a given year is directly related to school enrollment five years later. Given the stark differences in birth rates between Hispanic and non-Hispanic women, we projected their birth rates separately.

Patterns observed at both the national and state levels suggest that, as the Hispanic population becomes more established in an area, their birth rate is expected to decline. Because yearly data for small populations in smaller areas are more volatile than data for larger areas, we projected Hispanic birth rates for 2012-2017 for the Lord Fairfax Health District³ to ease the volatility of projecting for a

¹ Developed under contract with the Virginia Employment Commission.

² We used linear interpolation based on the population estimates from the Census Bureau, and the 2020 population projections from the Cooper Center, to project the annual female population of childbearing age by Hispanic origin.

³ The Lord Fairfax Health District includes Winchester, as well as Clarke, Frederick, Page, Shenandoah, and Warren counties.

smaller area. Winchester's Hispanic birth rate has been consistently higher than that of the Lord Fairfax Health District over the past decade. Consequently, after applying the projected health district birth rate to Winchester, we proportionally adjusted Winchester's projected fertility rate to account for these patterns.

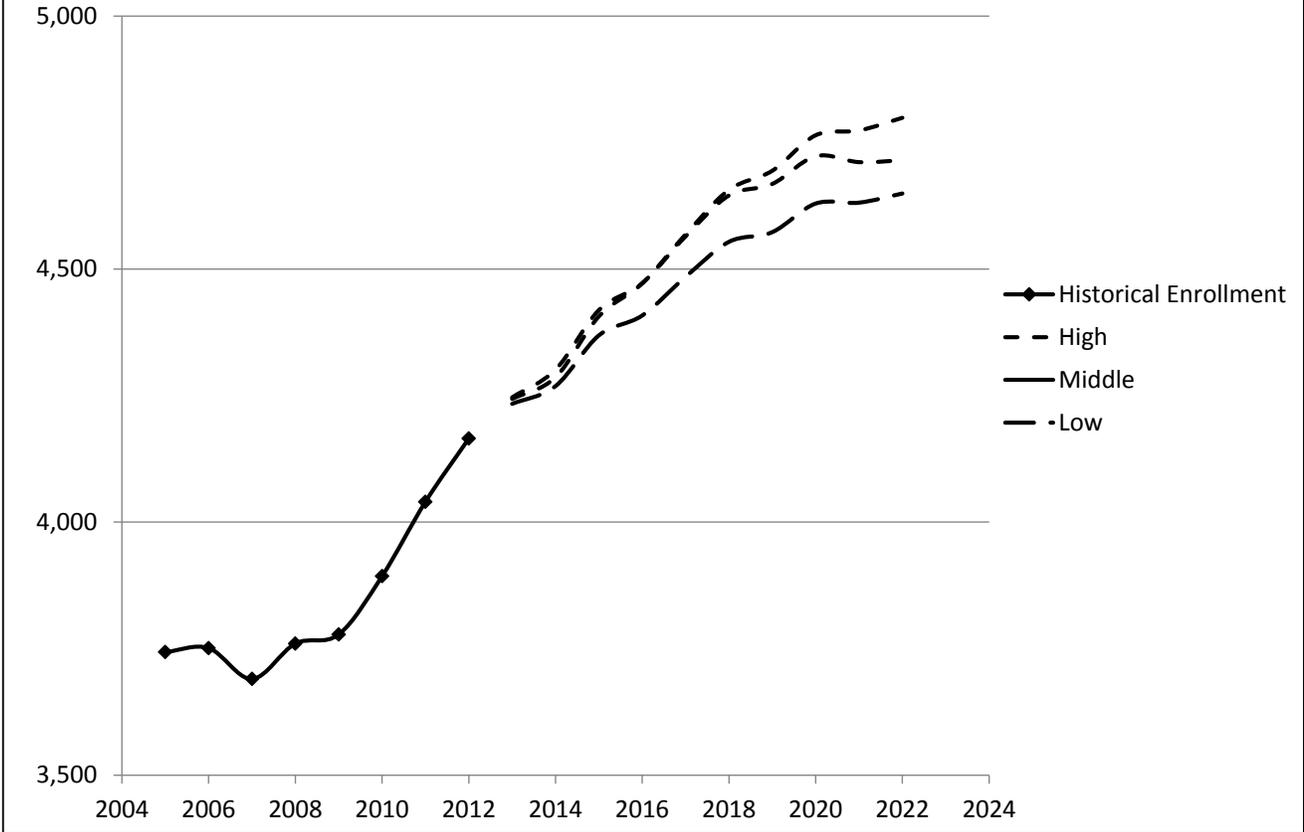
The non-Hispanic birth rate in Winchester was stable over the past decade, and we held it constant in the 2012-2017 projections.

Projected births are a function of the projected birth rate and the projected size of the female child-bearing population. For each year between 2012 and 2017, the projected female population of childbearing age was divided by 1,000 and multiplied by the projected birth rate to obtain the projected number of births. This was done separately for Hispanic and non-Hispanic females. The two numbers were summed to create the total projected births for Winchester. Our analysis projects just over 2,700 births in Winchester between 2012 and 2017, with an average of more than 400 births each year.

Projecting School Enrollment

Based on the birth projections and the use of a grade-progression ratio methodology, the Weldon Cooper Center produced projections of fall membership in Winchester public schools for 2013-14 to 2022-23. Multiple scenarios were considered based on a variety of grade progression ratios, timeframes, and launch years. All scenarios were evaluated and, ultimately, "high," "middle," and "low" projection series were identified. The "high" and "low" series encompass the range of plausible enrollment projections while the "middle" scenario represents enrollment counts that the Weldon Cooper Center deems most likely to occur. Total public school enrollment is projected to reach 4,715 by 2022, with a possible high of 4,799 and low of 4,649 as shown in Figure 3.

Figure 3: Historical and Projected Fall Membership Enrollment in Winchester



Ten-Year School Enrollment Projections by Grade

Middle series	K	1	2	3	4	5	6	7	8	9	10	11	12	Total
2013-14	331	381	336	309	341	376	312	340	294	326	327	278	297	4,246
2014-15	325	300	393	334	303	351	385	323	344	340	321	301	281	4,301
2015-16	368	295	310	391	329	312	359	398	326	396	335	297	303	4,419
2016-17	334	334	304	308	385	339	319	371	402	376	391	309	299	4,472
2017-18	356	303	345	303	304	396	346	329	375	464	371	361	312	4,565
2018-19	364	323	313	343	299	312	405	358	333	433	458	342	364	4,645
2019-20	371	330	334	312	338	307	319	418	362	384	427	422	345	4,668
2020-21	378	337	341	332	307	348	314	330	423	417	379	394	426	4,723
2021-22	381	343	348	339	327	315	355	324	333	488	412	349	397	4,711
2022-23	384	346	354	346	334	336	322	367	328	385	481	379	352	4,715

Low series	K	1	2	3	4	5	6	7	8	9	10	11	12	Total
2013-14	339	389	332	307	339	371	307	339	292	330	317	280	292	4,234
2014-15	329	316	398	329	302	341	373	315	340	339	315	296	276	4,269
2015-16	374	307	323	394	324	303	343	381	316	394	324	295	290	4,369
2016-17	338	349	314	320	387	326	305	350	383	366	376	304	290	4,408
2017-18	361	316	356	311	315	391	328	311	352	443	350	353	298	4,485
2018-19	369	336	323	353	306	318	393	335	313	408	425	328	348	4,554
2019-20	376	342	344	320	348	309	320	402	337	362	392	398	323	4,573
2020-21	382	348	350	342	315	351	311	328	404	390	348	367	392	4,629
2021-22	386	354	356	348	336	318	353	319	329	469	375	326	362	4,631
2022-23	390	359	362	353	342	339	320	362	321	382	449	351	321	4,649

High series	K	1	2	3	4	5	6	7	8	9	10	11	12	Total
2013-14	340	404	331	306	338	376	310	336	294	325	314	275	295	4,243
2014-15	325	327	415	324	303	347	384	317	340	333	310	288	271	4,286
2015-16	367	309	336	410	321	311	355	393	322	387	323	284	287	4,406
2016-17	336	347	316	332	404	331	319	365	398	368	374	295	285	4,472
2017-18	359	321	355	312	328	415	338	326	370	455	353	343	294	4,568
2018-19	365	342	329	350	309	337	424	346	330	421	438	324	341	4,656
2019-20	372	347	350	325	346	317	344	434	351	377	406	401	323	4,694
2020-21	380	354	356	346	321	356	324	353	440	400	363	372	400	4,764
2021-22	383	361	363	351	342	330	364	332	357	502	385	332	371	4,774
2022-23	386	364	371	358	347	351	337	372	336	408	484	353	331	4,799

Ten-Year School Enrollment Projections by Grade & School

Middle Series	K	1	2	3	4	Total Elem	5	6	7	8	Total Middle	9	10	11	12	Total High	Total
2013-14	331	381	336	309	341	1,698	376	312	340	294	1,322	326	327	278	297	1,228	4,246
2014-15	325	300	393	334	303	1,655	351	385	323	344	1,403	340	321	301	281	1,243	4,301
2015-16	368	295	310	391	329	1,693	312	359	398	326	1,395	396	335	297	303	1,331	4,419
2016-17	334	334	304	308	385	1,665	339	319	371	402	1,431	376	391	309	299	1,375	4,472
2017-18	356	303	345	303	304	1,611	396	346	329	375	1,446	464	371	361	312	1,508	4,565
2018-19	364	323	313	343	299	1,642	312	405	358	333	1,408	433	458	342	364	1,597	4,645
2019-20	371	330	334	312	338	1,685	307	319	418	362	1,406	384	427	422	345	1,578	4,668
2020-21	378	337	341	332	307	1,695	348	314	330	423	1,415	417	379	394	426	1,616	4,723
2021-22	381	343	348	339	327	1,738	315	355	324	333	1,327	488	412	349	397	1,646	4,711
2022-23	384	346	354	346	334	1,764	336	322	367	328	1,353	385	481	379	352	1,597	4,715

PEAK ENROLLMENT - 10 YEAR PERIOD

Ten-Year School Enrollment Projections by Grade & School – Alternative Scenario – the 5th Grade moved to Elementary Schools

Middle Series	K	1	2	3	4	5	Total Elem	6	7	8	Total Middle	9	10	11	12	Total High	Total
2013-14	331	381	336	309	341	376	2,074	312	340	294	946	326	327	278	297	1,228	4,246
2014-15	325	300	393	334	303	351	2,006	385	323	344	1,052	340	321	301	281	1,243	4,301
2015-16	368	295	310	391	329	312	2,005	359	398	326	1,083	396	335	297	303	1,331	4,419
2016-17	334	334	304	308	385	339	2,004	319	371	402	1,092	376	391	309	299	1,375	4,472
2017-18	356	303	345	303	304	396	2,007	346	329	375	1,050	464	371	361	312	1,508	4,565
2018-19	364	323	313	343	299	312	1,954	405	358	333	1,096	433	458	342	364	1,597	4,645
2019-20	371	330	334	312	338	307	1,992	319	418	362	1,099	384	427	422	345	1,578	4,668
2020-21	378	337	341	332	307	348	2,043	314	330	423	1,067	417	379	394	426	1,616	4,723
2021-22	381	343	348	339	327	315	2,053	355	324	333	1,012	488	412	349	397	1,646	4,711
2022-23	384	346	354	346	334	336	2,100	322	367	328	1,017	385	481	379	352	1,597	4,715

PEAK ENROLLMENT - 10 YEAR PERIOD

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: June 18, 2013 CUT OFF DATE: _____

RESOLUTION ___ ORDINANCE X PUBLIC HEARING X

ITEM TITLE: Delivery Vehicles on the Walking Mall

STAFF RECOMMENDATION: Change Section 26-33 (a) 1. Special Provisions Relating to Loudoun Street Mall to further prohibit Vehicle Traffic on the Walking Mall

PUBLIC NOTICE AND HEARING: Second Reading: July 9, 2013 Hearing: August 1, 2013

ADVISORY BOARD RECOMMENDATION: OTDB recommends: – Continue to restrict deliveries on the mall other than special permits issued by the Downtown Manager. The Committee also recommends strict enforcement of existing loading zones and exploring additional loading zone options and recommends amending the existing ordinance to permanently restrict delivery vehicles.

FUNDING DATA: N/A

INSURANCE: N/A

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. <u>Old Town Winchester</u>	<u>JEB</u>	_____	<u>6/11/13</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney	<u>[Signature]</u>	_____	<u>6/11/2013</u>
6. City Manager	<u>[Signature]</u>	_____	<u>6-11-13</u>
7. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: [Signature] Date 6/11/13

APPROVED AS TO FORM:



[Signature] 6/11/2013
CITY ATTORNEY



CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Old Town Winchester
Date: July 9, 2013
Re: The June 25 Proposed Ordinance Change for Delivery Vehicles on the Walking Mall
Sections 26-33, 14-26 and 14-26 of the Winchester City Code

THE ISSUE:

Vehicular Traffic on the Loudoun Street Walking Mall is restricted under Section 26-33 of the Winchester City Code to specified hours for deliveries and maximum vehicular weight of 24,000 lbs. The recent revitalization efforts included resurfacing of the Mall and redesign. This proposal is intended to enhance the safety and enjoyment of pedestrians on the Mall, benefit downtown businesses, and minimize wear and tear on the mall surface and structures.

At the June 25, 2013 Work Session, Council directed the Downtown Manager to provide additional information to enable Council to properly assess the proposal. Such information has been prepared as follows:

ADDITIONAL INFORMATION:

Delivery Truck Information- Staff talked to the local UPS Distributor and they said most of their trucks are on the higher end of class four designation (nearly 16,000 lbs) to a solid class five which can amount to 19,500 lbs. Most trucks are approximately 11'8" in height and can range from 12' to 19' in length and are normally 8' wide. (See the attached truck class chart)

Loading Zones – businesses have cited numerous concerns with insufficient turnover of loading zone areas making deliveries a challenge for commercial companies. Much of this has been caused by the volume of delivery vehicles using the loading zones during the mall revitalization project. The loading zones should be monitored once commercial traffic returns to the mall to evaluate whether increased enforcement is needed or if an ordinance change is required.

Splash Pad – per Council suggestion the Splash Pad will not be turned on until 11 a.m. to limit the number of children possibly running into the path of delivery vehicles.

Other Vehicle Traffic – The Police Chief or his designee (which is currently the Downtown Manager) may issue a special use permit for vehicles for funerals, Sunday morning church services, weddings, other special events, construction, city maintenance and repair work. To my knowledge a Sunday morning church service permit has never been requested or been issued and no church has complained about patrons being unable to access their church prior to the mall construction.

PERMIT PROCESS:

Permits are currently issued most for weddings, special construction and residence relocation. Generally individuals contact the Downtown Manager, fill out their Name, Address, and phone number and sign to show they agree to the Vehicle Permit Regulations. They then leave the office with a vehicle permit. The Downtown Manager notifies the police that a permit has been issued, to whom it has been issued, to what location, what dates and for what purpose.

Permission can also be obtained by contacting the Police Department directly. (A copy of the existing Vehicle Permit Regulations and form is attached.)

STAKEHOLDER COMMUNICATION:

Should the ordinance be changed, the change would be communicated to all Loudoun Street Mall Stakeholders through a mailed letter as well as an email to the existing downtown email list. The information would include the revised ordinance language and information on obtaining a special vehicle permit should they need one. The change would also be communicated to major delivery companies such as UPS and FedEx.

Signage – in order to enforce the ordinance, signage would need to be posted at each end of the walking mall. While mentioning restrictions it should also be welcoming. The wording might read: Thank you for visiting Old Town Winchester. Please refrain from cycling and skate boarding. Delivery vehicles under 24,000 lbs are permitted from 6 a.m. – 11 a.m. City Ord.# III.1. See the attached image of a possible sign style.

Directional Sign – while the existing ordinance specifies that any traffic on the mall must be “one-way south, between Piccadilly Street and Boscawen Street and Boscawen Street and Cork Street” clarifying the directional flow with one way signs at the cross streets could help alleviate confusion and increase safety.

SIGNAGE:

The City Code currently vests the Public Utilities Director with the authority to erect, designate, and determine proper signage for traffic enforcement including speed limits and one-way streets in order to comply with the Notice requirements under the law. The Public Utilities Director has agreed that he will make every effort to harmonize the legal signage requirements with the desirable aesthetics of the Loudoun Street Mall.

COUNCIL PROPOSED ORDINANCE CHANGE:

1. Motor vehicles, other than tractor-trailers, having a gross weight of less than twenty-four thousand (24,000) pounds and using the Mall between the hours of 6:00 A.M. and 11:00 A.M. and 4:00 P.M. and 6:00 P.M. of any day for commercial pickup, commercial delivery, and utility or maintenance services.

Hours restricted to just morning hour delivery and pick up – which addresses the issue of greatest impact to pedestrian safety and reduces the noise and air pollution during the busiest time of day but does not address the overall safety, wear on the mall and quality of life issues. It also allows for morning deliveries increasing the chances that small downtown businesses would continue to get morning deliveries which many prefer.

AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 26-33, 14-26, AND 14-27 OF THE CITY CODE REGARDING VEHICULAR TRAFFIC DURING SPECIFIED HOURS AND UNDER OTHER LIMITED CONDITIONS ON THE LOUDOUN STREET WALKING MALL

WHEREAS, the Loudoun Street Walking Mall is a business corridor primarily designed to accommodate pedestrian retail and restaurant business traffic on Loudoun Street from Piccadilly Street to Cork Street; and

WHEREAS, vehicular traffic has been restricted on the Loudoun Street Mall since 1974 and is currently restricted pursuant to Section 26-33 of the City Code; and

WHEREAS, Sections 14-26 and 14-27 of the City Code contain general traffic restrictions for one-way traffic and speed limits in the City; and

WHEREAS, the City has recently made significant investment in revitalization efforts on the Loudoun Street Mall including but not limited to resurfacing, re-designing, and the installation of public amenities such as a splash pad and self-cleaning public restrooms; and

WHEREAS, it is the belief of Common Council that adjusting the limitations on vehicular traffic on the Loudoun Street Mall will promote safety; reduce wear and damage on the mall; and generally benefit the interests of the downtown merchants and the citizens of the City of Winchester.

NOW therefore be it ORDAINED that Sections 26-33, 14-26, and 14-27 of the Winchester City Code are hereby amended and re-enacted to read as follows:

SECTION 26-33

(a) The Loudoun Street Mall shall extend one-way south, between Piccadilly Street and Boscawen Street and Boscawen Street and Cork Street, and it shall be unlawful for any person to operate, drive, ride, push, or park any vehicle thereon. The operation and use of bicycles, skateboards, scooters, and roller skates, to include in-line skates, is prohibited. This subsection shall not apply to:

1. *Motor vehicles, other than tractor-trailers, having a gross weight of less than twenty-four thousand (24,000) pounds and using the Mall between the hours of 6:00 A.M. and 11:00 A.M. and ~~4:00 P.M. and 6:00 P.M.~~ of any day for commercial pickup, commercial delivery, and utility or maintenance services.*
2. Passenger vehicles crossing the mall in a westerly direction between the alley on the north side of the Presbyterian Church and Winchester Parking Authority Lot No. 8 for the purpose of discharging and receiving passengers from the Presbyterian Church pre-school.

(b) The chief of police or his designee may issue a special use permit for vehicles using the Loudoun Street Mall for funerals, Sunday morning church services, weddings, other special events, construction, city maintenance and repair work.

(c) No vehicles permitted to use the Loudoun Street Mall shall be driven or operated at a speed in excess of ten (10) miles per hour, and all such vehicles shall be driven or operated one-way south, except as provided in (a)(2), above.

(d) A violation of this section through the use of a motor vehicle shall constitute a ~~Class 4 Misdemeanor~~ traffic infraction. A violation of this section through the use of a bicycle, a skateboard, a scooter, or roller skates (to include in-line skates) shall be punishable as a civil penalty in an amount not to exceed \$50. (Ord. No. 2011-09, 5-10-11)

SECTION 14-26. ONE-WAY STREETS.

(a) The following streets are hereby established and designated as one way streets and, except as otherwise herein provided, it shall be unlawful for any vehicles to be driven or moved on such streets in a direction other than as herein set forth:

1. *Baker Street*, from West Lane to Kent Street, westbound.
2. *Boscawen Street*, between Indian Alley and Cameron Street, eastbound.
3. *Cameron Street*, from Oates Avenue to North Loudoun Street, northbound.
- 4-a. *Charles Street*, from Smithfield Avenue to Fairview Avenue, eastbound.
- 4-b. *Church Alley*, between Braddock Street and Indian Alley, westbound.
- 4-c. *Gerrard Street*, between Kent Street and Millwood Avenue, westbound.
5. *Gibbens Street*, from Loudoun Street to Cameron Street, eastbound.
6. *Handley Avenue*, from Handley Boulevard to Briarmont Street, northbound.
- 6-a. *Highland Avenue*, from Liberty Street to National Avenue, southbound.
- 6-b. *Fairfax Lane*, from Fairmont Avenue to North Braddock Street; eastbound; and from North Cameron Street to East Lane, eastbound.
- 6-c. *Fairfax Alley*, between North Cameron and North Kent Streets, westbound
- 6-d. *Fairview Avenue*, from National Avenue to Virginia Avenue, northbound.
- 6-e. *Franklin Street*, from Pine Street to Elm Street, eastbound.
7. *Indian Alley*, from Clifford Street to Fairfax Lane, northbound.
- 7-a. *Joist Hite Place*, from Academy Street to Lee Street, eastbound.
8. *Latane Street*, from Cork Street to Joist Hite Place, northbound.
- 8-a. *Lee Street*, from Joist Hite Place to Cork Street, southbound.
- 8-b. *Loudoun Street*, from Piccadilly Street to Cork Street, southbound.**
9. *Morgan Street*, from Amherst Street to Piccadilly Street, northbound.
- 9-a. *Opequon Avenue*, between Cork and Leicester Street, southbound.
10. *Piccadilly Street*, from Morgan Street to Fairmont Avenue, eastbound.
11. *Shawnee Avenue*, from Cork Street to Leicester Street, southbound.
12. *Shenandoah Avenue*, between Pall Mall Street and Cork Street, northbound.

13. *Shirley Street*, from Joist Hite Place to Cork Street, southbound.
14. *Southwerk Street*, from Valley Avenue to South Loudoun Street, eastbound.
15. *Valley Avenue*, from Braddock Street to Gerrard Street, eastbound.

b) The public works director is authorized and directed to provide such signs on the one-way streets designated in this section as will apprise an ordinarily observant person of such one-way streets. This section shall become effective as to any such one-way street when signs have been provided therefor as set out herein.
(Ord. No. 041-93, 11-09-93)

(c) When it can be demonstrated to the satisfaction of the Chief of Police or his duly authorized representative that the strict enforcement of this section will cause an unreasonable hardship on some particular person relative to the loading or unloading of trucks or other vehicles on one-way streets, then in such event the Chief of Police, or his duly authorized representative, is authorized to issue a special permit to such person permitting a variance from the provisions of this section. Any such special permit shall be in writing and shall specify the nature of such variance and the place and period of time when such variance shall be permitted. Such permit shall only be issued when it can be demonstrated to the Chief of Police, or his duly authorized representative, that the granting of such permit will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience to the person who seeks such permit. (Code 1959, §§15-92, 15-93; Ord. of 7-13-76; Ord. of 10-11-77).

SECTION 14-27. SPECIAL SPEED LIMITS ON CERTAIN STREETS.

(a) Upon the following streets and highways within the City, between the points hereinafter indicated, the indicated maximum speed limit is hereby established, and no person shall drive a vehicle between such points in excess of such maximum speed limit:

1. Ten (10) miles per hour on the following streets and highways:

a. *Loudoun Street* from *Piccadilly Street* to *Cork Street*.

2. Fifteen (15) miles per hour on the following streets and highways:

a. All streets and highways within the Jim Barnett Recreation Park Area.

b. *Jolley Lane*, from *East Lane* to *Lincoln Street*.

c. *Glaize Avenue* from *South Loudoun* to its endpoint.

3. Twenty-five (25) miles per hour on the following streets and highways:

a. *Amherst Street*, from *Wood Avenue* to *Boscawen Street*.

b. *Berryville Avenue*, from *Dunlap Street* to *National Avenue*.

c. *Braddock Street*, from *Piccadilly* to *Gerrard Street*.

d. *Cameron Street*, from *Millwood Avenue* to the north corporate limits of the City.

e. *Cork Street*, from the east corporate limits of the City to *East Lane*.

- f. *Fox Drive*, from the corporate limits of the City to its intersection with Amherst Street.
- g. *Fairmont Avenue*, from the north corporate limits of the City to Piccadilly Street.
- h. *Featherbed Lane*, from Pleasant Valley Road to its intersection with Loudoun Street.
- i. *Jubal Early Drive*, the portion west of Valley Avenue to its intersection with Meadow Branch Avenue.
- j. *Loudoun Street*, from its intersection with North Cameron Street to Montague Avenue.
- k. *Merrimans Lane*, from Amherst Street to the City limits.
- l. *Millwood Avenue*, from the CSX Railroad crossing to Cameron Street.
- m. *Papermill Road*, from Pleasant Valley Road to the east corporate limits of the City.
- n. *Valley Avenue*, from Gerrard Street to Jubal Early Drive.

4. Thirty-five (35) miles per hour on the following streets and highways:

- a. *Amherst Street*, from Wood Avenue to the west corporate limits of the City.
- b. *Apple Blossom Drive*, from Millwood Avenue to the entrance of Apple Blossom Mall.
- c. *Battaille Drive*, from the western intersection with Shawnee Drive to the eastern intersection with Shawnee Drive.
- d. *Berryville Avenue*, from Dunlap Street to the east corporate limits of the City.
- e. *Cedar Creek Grade*, from Valley Avenue to the west corporate limits of the City.
- f. *Jubal Early Drive*, from Millwood Avenue to Pleasant Valley Road.
- g. *Jubal Early Drive*, from South Loudoun Street to Valley Avenue.
- h. *Millwood Avenue*, from the CSX Railroad tracks to the east corporate limits of the City.
- i. *Middle Road*, from Valley Avenue to the west corporate limits of the City.
- j. *Papermill Road*, from its intersection with Weems Lane to Pleasant Valley Road.
- k. *Pleasant Valley Road*, from Millwood Avenue to Papermill Road.
- l. *Shawnee Drive*, from Papermill Road to the south corporate limits of the City.
- m. *Valley Avenue*, from Jubal Early Drive to the south corporate limits of the City.
- n. *Weems Lane*, from Papermill Road to Valley Avenue.

5. Forty (40) miles per hour on the following streets and highways:

- a. *Jubal Early Drive*, from Pleasant Valley Road to South Loudoun Street.

b. *Pleasant Valley Road*, from Berryville Ave. to Millwood Avenue.

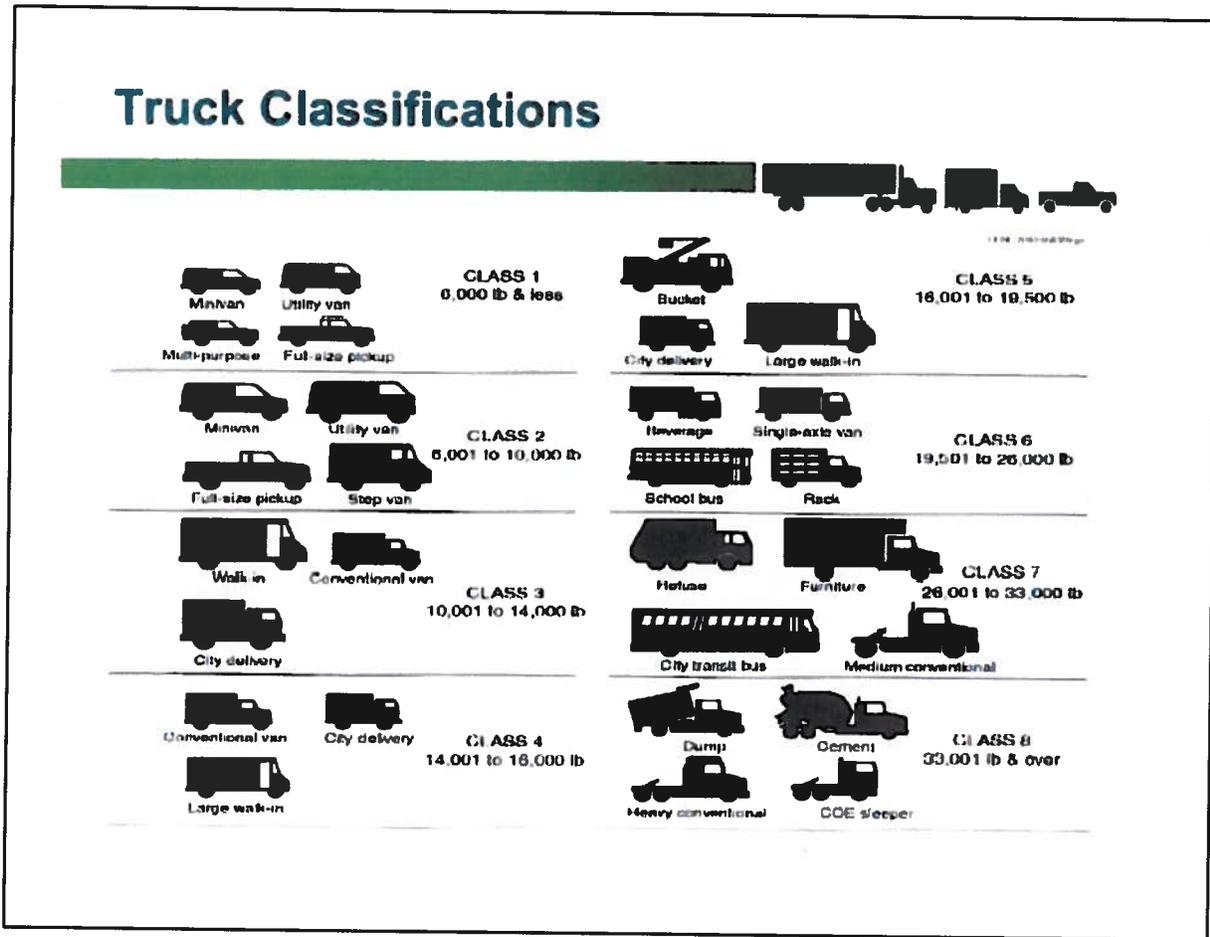
(b) The foregoing special speed limitations for the areas hereinbefore set out have been fixed by the council by reason of congestion, curves, right angle turns, or other dangerous points on the streets and highways within such areas, or by reason of the lack of such conditions on the streets and highways within such areas, as the case may be, and the council hereby declares that the foregoing special speed limits for such areas are based upon engineering and traffic investigation of such areas.

(c) The public works director is hereby authorized and directed to cause such signs to be erected on streets and highways otherwise marked so as to clearly indicate the speed limits fixed in subsection (a) of this section. After such signs have been erected, or the streets otherwise marked, it shall be unlawful for any person to exceed the limits set out herein.

(d) In every charge of violation of any provision of this section, the complaint, and also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven and the speed limits applicable within the district or at the location. (Code 1959, §§15-30, 15-63; Ords. of 3-09-71; 4-11-72; 9-01-72; 2-11-75; 3-09-76; Ord. No. 010-84, 5-15-84; Ord. No. 008-86, 6-10-86; Ord. No. 009-90, 3-13-90; Ord. No. 051-91, 12-10-91; Ord. No. 009-92, 6-09-92; Ord. No. 006-93, 2-09-93; Ord. No. 041-93, 11-09-93; Ord. No. 034-96, 12-10-96; Ord. No. 002-97, 01-14-97; Ord. No. 018-2003, 5-13-03; Ord. No. 036-2003, 11-11-03; Ord. No. 001-2004, 1-13-04; Ord. No. 041-2004, 9-14-04; Ord. No. 003-2006, 1-10-06; Ord. No. 14-2006, 4-11-06; Ord. No. 2011-31, 8-9-11; Ord. No. 2011-21, 10-11-11)

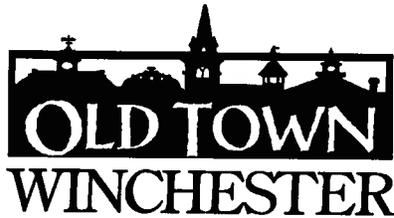
State Law Reference--Authority of city to alter speed limits established by state law, Code of Virginia, §46.2-1300.

The chart below provides a simplified breakdown of common delivery, light duty, or heavy duty trucks for each GVWR classification.



Sample sign design used in Cape May, NJ on entrance to the Walking Mall. Bollard is centrally located in the middle of the walkway.

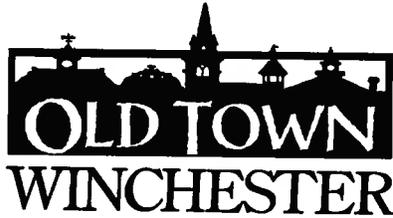




Vehicle Permit Regulations Loudoun Street Mall

Permitted vehicles must comply with the following regulations:

1. Vehicles shall enter from the north end, travel south, and exit at the next street. Vehicles needing access to the Mall between Piccadilly Street and Boscawen Street must enter on Piccadilly Street. Vehicles needing access to the Mall between Boscawen Street and Cork Street should enter at Boscawen Street and exit on Cork Street. (Larger vehicles needing access to the Mall between Boscawen Street and Cork Street may need to enter at Piccadilly Street.)
2. Vehicle(s) shall be driven on the Mall only to and from the location for the express purpose of the work described on the permit; the vehicle(s) are to be at this location only during the described specified times.
3. Vehicle(s) shall be parked so as not to impede pedestrian traffic or in any way block the access or passage of emergency vehicles.
4. Necessary precautions must be taken to assure no damage to the Mall as a result of the vehicle's presence there. **Precautions must be taken to avoid spilling or leaking of vehicle oils or fluids onto the Mall surface. If such spillage or leakage were to occur, the vehicle's driver is responsible for immediate cleanup. If the driver fails to cleanup such spillage or leakage, the City will perform the cleanup and bill the vehicle's owner for all costs incurred during the cleanup.**
5. Any debris on the Mall as a result of the operation must be removed.
6. If pedestrian traffic on the Mall is sufficiently heavy to warrant, then a flagman on foot must precede the vehicle(s) while in motion on the Mall.
7. The Permit is valid for **30 days only!** A new permit must be obtained for all extensions that exceed 30 days.
8. The Permit **must, at all times, be displayed on the dashboard of the vehicle immediately in front of the driver's area.** Failure to properly display the permit, exceed the permit expiration date or commit any other Mall and/or parking violations will lead to the issuance of parking tickets as well as the ban of specific vehicles and their drivers from the Mall.



Vehicle Permit Regulations Loudoun Street Mall

Special regulations for First Presbyterian Church vehicles:

1. Vehicles(s) are to enter the Mall either from Cameron Street (by way of the Church-owned alleyway immediately north of the Church) or by way of the City parking lot directly across the Mall from the Church.
2. Vehicle(s) are to be parked in the area immediately in front of or adjacent to the Church and to be parked so not to impede pedestrian traffic or in any way block the access or passage of emergency vehicles.
3. Vehicle(s) are to exit by the same route as they enter; or if that is impractical, they should exit south on the Mall to Cork Street.
4. If pedestrian traffic on the Mall is sufficiently heavy to warrant, a flagman on foot must precede the vehicle(s) while in motion on the Mall.

I have read and understand the above Vehicle Permit Regulations:

Signature

Date

Person Issuing Permit

Date

Name

Address

Address for Permit

City, State, Zip Code

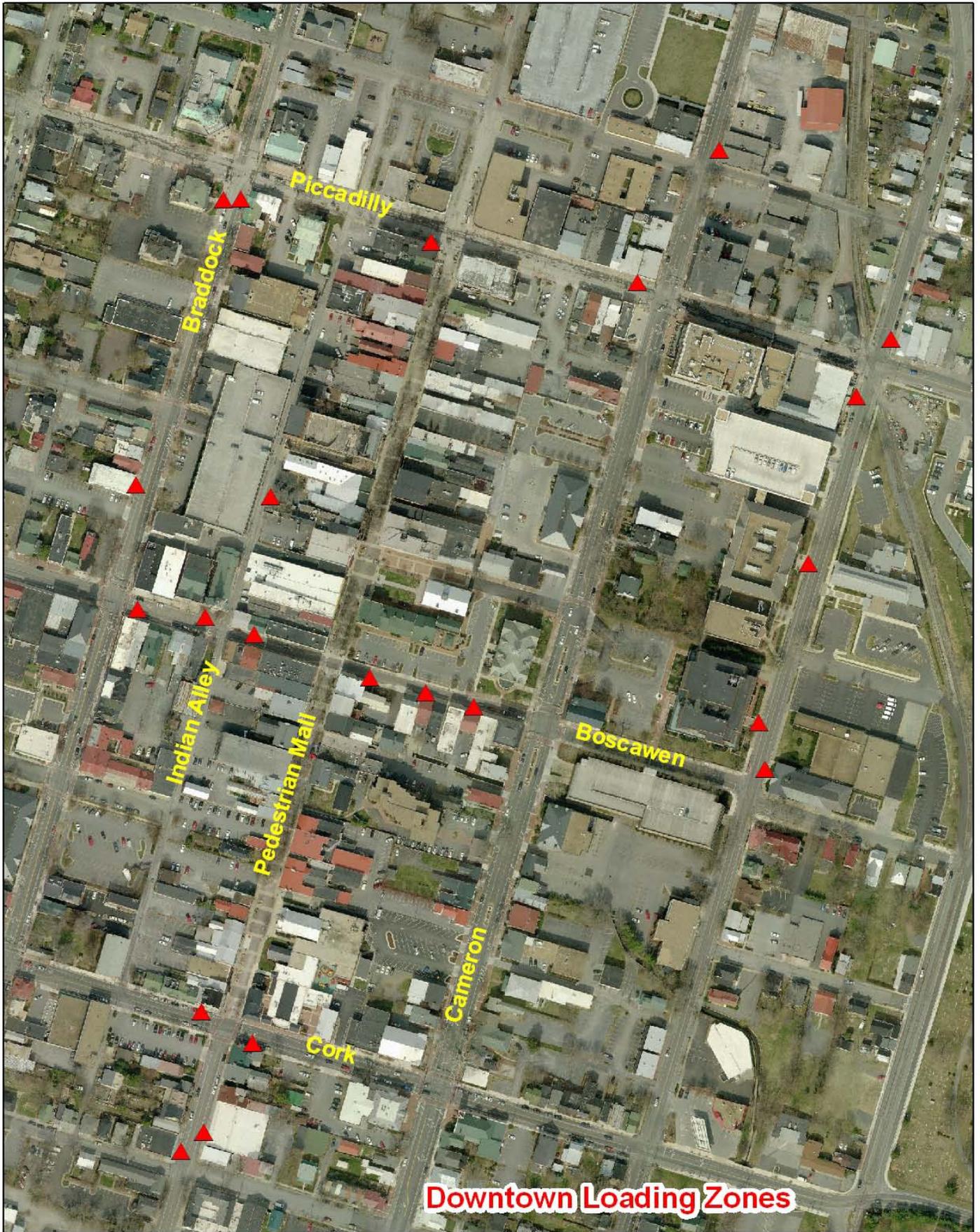
Telephone Number

Permit # _____

Businesses consulted or which have commented to date:

Snow White Grill	Door Mouse
Swirl's Grill	Old Town Stained Glass
147 Restaurant	161 N Loudoun Bldg. Owner
Dollar General	Senzel Signs
Abija Blue	The Polka Dot Pot
The Potomac Bead Company	Discovery Museum
Thai Winchester	The Hair Company
Incredible Flying Objects	Beyond the Fringe
Once Upon a Find	Godfrey Miller Home
Brewbaker's Restaurant	Runner Retreat
Espresso Bar & Cafe	First Presbyterian Church
Village Square	Sanaa
Village Market & Bistro	Patton's Furniture
Eugene B. Smith	Old Warsaw Gallery
Main Street Fare Consignment Shop	Swirl's Grill
Wilkins' Shoe Center	Make Nest
Old Town General Store	Richard's Jeweler
Posh Pets Boutique	James Riley
Bell's	Studio 125
Union Jack Pub	RBC Wealth Management
Impact Church	AATR Video
Bright Center	Blind Faith Enterprises
Wire and Web	Patsy Pastry Pizzas
Murphy Beverage Company	US Post Office
Winchester Book Gallery	Violino Ristorante Italiano
OTWBA President	Virginia National Bank
Luciole	Old Town Silversmiths
Dharma Studio	The Floor Shop
Realiteaze Hair Design	Awabi Sushi bar
Handworks Gallery	Scarpa Alta
Harrison & Johnston	Red Fox Creamery & Country Store
Old Towne Armory & Heirlooms	
Full Frame Photography	VRSI, Black Rose, Second Skin, Giovanni's – contacted but no response received
Tech Team Solutions	
Certified Mediator	





**Current Loading Zones near the Walking Mall
Survey completed by the Parking Authority Staff**

Within the downtown area there are 20 loading zones:

2 North Kent St. - Winchester Star

5 North Kent St. – Judicial Center

107 North Kent St. – Frederick County Office
North Kent St. – Piccadilly Brew Pub

302 North Cameron St. – (Old Valley Lumber)

32, 38, 40 East Piccadilly St. – Piccadilly Printing

7 West Piccadilly St. – (across from Wells Fargo)

136 North Braddock St. – Tropical Island Café

135 North Braddock St. – Kimberly's

21 North Braddock St. - Snelling Florist

45-47 West Boscawen St. – Winchester Exchange

26 West Boscawen St. – Grace Lutheran Church

14 West Boscawen St. – Hope Again Care Center

9 East Boscawen St. – Hall, Monahan, Engle, Mahan & Mitchell Attorneys at Law

15, 17, 19 East Boscawen St. – Rhythm Studio & Dance Wear

33 East Boscawen St. – (Old Winchester Social Services)

2 East Cork St. – (Across from 2 East Cork at White House Country Store)

4, 8 West Cork St. – Luciole, Cork Street Tavern

224 South Loudoun St. – Wisecarver Communications

229 South Loudoun St. – Italian Touch

Indian Alley - (just off the alley behind Union Jack)



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 662-3351
TDD: (540) 722-0782
Website: www.winchesterva.gov

MEMORANDUM

TO: Dale Iman, City Manager
Jennifer Bell, Downtown Manager

FROM: Perry Eisenach, Public Services Director

DATE: June 7, 2013

SUBJECT: Consideration of Restricting Delivery Vehicles on Pedestrian Mall

As requested, this memorandum provides input regarding the consideration that is being given to restrict routine delivery vehicles on the Pedestrian Mall. In short, the Public Services Department fully supports restricting regular vehicular traffic on the Mall for the following reasons:

1. While the Mall reconstruction is capable of handling vehicle loads from a structural perspective, the more vehicular traffic that is present, the more deterioration there is on the surface of the bricks (small cracks and chips). Restricting regular vehicular traffic will significantly extend the life of the bricks and also prolong the time in which they will need to be replaced in the future. The estimated cost to replace all the bricks in the center of the Mall, based on current costs, would be approximately \$400,000.
2. Restricting regular vehicular traffic will reduce the amount of oil (or other fluid) spills and will help preserve the visual appearance of the Mall.
3. One of City Council's primary goals is to increase the amount of pedestrian activity on the Mall. Restricting regular vehicular traffic will greatly increase pedestrian safety.

In recognition of these factors and in an effort to be proactive, the Public Services Department has already modified the standard operating procedure for collecting trash and recycling on the Mall. We have eliminated driving trucks down the Mall and now all collection is completed by our employees on foot. We have found that this new procedure works very well.

Thank you for the opportunity to provide input on this issue. Please let me know if you have any questions or need any additional information.

"To be a financially sound City providing top quality municipal services while focusing on the customer and engaging our community."



A Virginia Accredited Law Enforcement Agency

Timbrook Public Safety Center
231 East Piccadilly Street
Winchester, VA 22601

Telephone: (540) 662-4131
FAX: (540) 542-1314
Website: www.winchesterva.gov

TO: Jennifer Bell
FROM: Chief Kevin L. Sanzenbacher
DATE: June 10, 2013
SUBJECT: Vehicle restrictions DTM

I believe from a public safety point of view it would be best to continue the current restrictions of no vehicles on the Loudon St. portion of the DTM for the following reasons:

1. Pedestrians, especially children, are not expecting to encounter vehicles on the mall. They rush out of stores and do not look for traffic as they would on traveled roadways. This is why several years ago, at the request of City Council, we restricted the operation of our police vehicles to emergency situations and late night only.
2. The new landscaping has really narrowed the drivable area on the mall in a number of locations. I am concerned that drivers, especially drivers of the large panel type delivery trucks, may not realize there is someone sitting on the planter/bench next to their vehicle and pull away. This could result in significant injuries. In addition, it is much more difficult for vehicles to pass pedestrians at these points in a safe manner.
3. The new splash pad area has created a "playground" quality to that portion of the DTM. Children are darting in and out of the splash pad without thinking to look for any kind of traffic.
4. With the narrower streets it will be impossible for police cars or fire apparatus to get through if delivery vehicles are parked in the areas of the planter/benches. This could delay emergency response.

It is for these reasons that the WPD supports making the current vehicle restrictions on the DTM permanent.

The following are the stats for the issuance of Loading Zone citations for the last 3 years in the area of the DTM:

2010- 43

2011- 60

2012-33

2013 to-date 15

"Committed to improving the quality of life for³³all people by preventing crime in the city."



Businesses consulted or which have commented to date:

- | | |
|------------------------------|---------------------------|
| Snow White Grill | Luciole |
| Swirl's Grill | Dharma Studio |
| 147 Restaurant | Realiteaze Hair Design |
| Dollar General | Handworks Gallery |
| Abija Blue | Old Towne Armory |
| Beadworks | Harrison & Johnston |
| Thai Winchester | Full Frame Photography |
| Incredible Flying Objects | Tech Team Solutions |
| Once Upon a Find | Certified Mediator |
| Brewbaker's | Door Mouse |
| Espresso Bar | Old Stained Glass |
| Village Square | 161 N Loudoun Bldg. Owner |
| Village Bistro | Sensel Signs |
| Eugene B. Smith | Polka Dot Pot |
| Main Street Fare Consignment | Discovery Museum |
| Wilkins' Shoe Center | The Hair Company |
| Old Town General Store | Beyond the Fringe |
| Posh Pets | Godfrey Miller Home |
| Bell's | Runner Retreat |
| Union Jack | First Presbyterian Church |
| Impact Church | Sanaa |
| Bright Center | Patton's Furniture |
| Wire and Web | Old Warsaw Gallery |
| Murphy's | |
| Winchester Book Gallery | |
| OTWBA President | |

Pedestrian Malls Vehicle Policy Survey:

Charlottesville, VA	Completely closed to traffic
Helena, Montana	Closed to traffic - except police vehicles and during parades
Cumberland, MD	Deliveries not allowed difficulty enforcing
Salem, MA	Deliveries allowed 8 - 10 a.m.
Burlington, VT	Allow vehicle deliveries Monday-Saturday from 7:00am to 10:30am. No deliveries on Sunday.

Vehicles on the Mall

June 2013

Comments

Negative:

Snow White Grill - Rick Childs We would love to be able to drive and drop off our meat order. Right now we are lugging 120+ pounds of meat from the 2nd floor of the parking garage! Also, need to personally deliver heavy Co2 tanks.

Impact Church - affected on Sunday when elderly or disabled try to get to church

IFO - Drew Van Laeken does not have a back entrance and really hopes that delivery drivers are allowed back on the mall soon. I can't imagine the UPS or Fedex drivers lugging all of my orders thru the snow this winter when I am bulking up my store for Christmas. All of my inventory is shipped UPS or FedEx and there is no easy way to get inventory to me with the mall closed to drivers. Also we have old fixtures, and large trash that I've been waiting to haul away once they re-open to cars in the morning. Sometimes I need to load up my personal vehicle with items or bring supplies down and carrying everything from or to the parking garage is not always easy. What about maintenance vehicles for repairs to buildings? Broken windows, gutters, or painting? Would we need to get the city permission every time some small thing needs to be fixed?

Tech Team Solutions – Todd Drunagel- If I have a right to express my opinion about deliveries, put me in the very much IN FAVOR of this. UPS and FedEx bring me large and/or heavy deliveries regularly and occasionally LTL freight. Even with the previously wider path, they would have blocked emergency vehicles. I don't recall this possibility mentioned during the "sales pitch" part of this project. How many more handicaps of location will the merchants be asked to endure? (When asked if it would really impact his business negatively - Mainly we'd have a grouchy delivery guy. I can't quantify that, and I guess I wouldn't have a financial burden as a result. It just seems like a bad policy to force on us(them). We've already inconvenienced them a lot for 5 months. We don't have great rear entrance parking options for them so for that part you could get some input from First Presbyterian Church.)

Old Stained Glass – Nancy Divine - I personally would like for vehicles to be permitted on the mall in the mornings at least. Being in the glass business, I do a lot of repairs on stained glass windows and doors. A stained glass door is quite heavy for people to have to carry from the street to my store. Also, when I pick up glass, it's a real pain to have to lug it to the store with a hand cart from my car. Again, it's heavy and it's glass - the more I have to handle/move it, the more likely it is something will get broken. I do not have back door access to Indian Alley, so in the past I would have customers drive up with their repairs prior to 11am, and help them

unload. Basically, not allowing vehicles on the mall just makes doing business more difficult for me. I've been here for 15 years, and part of what has made that possible is the fact that I could have people drive down to pick up heavy items. (Property owner also said he is in favor of keeping the mall open for deliveries especially in the morning. His property does not have direct access to Indian Alley.)

Certified Mediator – Bob Carpenter Restricting delivery vehicles will have no impact on our business. After the huge investment in improvements I would hate to see deliveries returned via the mall. It seems a distraction in many ways, not to mention wear and tear on the surface from continuous vehicle use. I regularly use the Braddock Street garage to access our office in the Bright Center. It seems that access to a great number of businesses can be attained via Indian Alley as well as some spot locations that could be designated from the Cameron Street side. Why could not Rouss Avenue and other locations be used as a drop off point up until about 10 am for businesses that could not be served from Indian Alley. I realize a business such as a restaurant would like deliveries brought to the door, but some consideration should be given to pedestrians who use the mall at all hours of the day. As for UPS and Fed Ex, I have on numerous occasions seen their drivers use dollies to transport large numbers of packages in shopping malls and large office complexes. If they can do it in those situations, why can't they do it for an outdoor mall? If the drop off concept is adopted, careful thought should be given as to gain as many locations as feasible and restrict the hours to not interfere with businesses in close proximity to any drop off zone.

Door Mouse - It would have been very beneficial if this issue had been addressed before they spent the money they spent on the way it has been finished; This is a working mall, not Disneyland. And while it is nice for there to be so many things for people to do down here, meeting the bottom line is for those of us in business the most important part. Events do not necessarily translate into increased business; I think the delivery vehicles should be able to come down the mall, as long as they are off by 11 a.m., the way it was before; Skateboards and bicycles shouldn't be down here; The tops of the flower boxes look like grease has been pored on them; Trees and flower pots are dying; The sand makes it look unkempt. I know that it sounds like I disapprove of everything. I don't. But I do think some common sense needs to be put into use here. The bottom line is you can't make everybody happy. It can't be done. But this was in the first place a street of businesses, and I think that should still be the first priority.

Beyond the Fringe - In all honesty, I'm not in favor of this. It would be tough on the delivery guys carting large deliveries and tough on people with no back doors. I have talked to UPS and they say the loading zones are usually taken by sheriffs and police. I'm concerned about the repairs I will have coming up on my building I just bought and tenants in apartments needing to move in and out. Does the surface they put down not accommodate vehicles since it was done in sand? Drew told me they are replacing the pavers because they were done wrong. I also

think the barricades they put up portray an unfriendly image. I am also one of many hosting music events and musicians need to load in equipment.

Patton's Furniture - We at Patton's furniture would like to access to the mall for our trucks during certain times. We have items weighing up to 500 Pounds that is a lot easier for us to load from the front of our store than the back. I also feel that a policy of no traffic on the mall could be a deciding factor for some new business on whether they would locate on the Mall or not. I have been told that the weight of our trucks would not be damaging to the bricks. If city is concerned about oil leaks a policy could be put in place that any truck using the mall would have to place a protective barrier under the engine.

Runners Retreat - I can get deliveries in the front or back but would prefer the front door. My back area is a bit tricky to negotiate with a dolly full of boxes. Also, the problem I have with no delivery trucks on the mall is that since not everyone has a back door, some of their deliveries are coming through my door, whether I have a delivery or not. This is a hassle (see above) and causes extra wear and tear on my floor. The sand already finished off my carpet! While I don't like seeing a bunch of trucks on the mall at once, things go more smoothly and on-time when deliveries are in the front.

Sanaa - I think further restriction of vehicles on the mall will make businesses with no back entry have a harder time loading and unloading. I used to be on 139 N Loudoun Street and the only way to load my stuff was from the Mall. I think the 6 am to 11am or evening rule was good. Can still work as before.

Neutral/Positive:

Old Town General Store - Amy Helmick I am for it as far as our store is concerned we can get deliveries in our back door from Cameron St but I don't know how it would work for other businesses that don't have that luxury.

Posh Pets - Lanette Orduna yes as long as no one parks in the loading zones on Boscawen most of our delivery trucks have to park there as they are too big to come on the mall anyway, but occasionally there is a sheriff car in the loading zones and that becomes a problem.

Murphy's - Charlie Fish No need for Murphys to have deliveries driven to us on the mall. And Lanette's point should be STRONGLY stressed. Drivers are always telling me they can't park because a regular car is parked in the loading zones & they have to circle the mall constantly, waiting to park. Some sort of different fine maybe be considered. I hear it all the time from my drivers. They also claim the police say there's nothing they can do about people parking in loading zones. I don't know if it's true, but I've heard it multiple times. The drivers get admonished for taking up several spots when they can't park in their designated areas which I've actually witnessed once.

Sensel Signs - I don't mind vehicles on the mall before 10am. It is too dangerous after that.

Handworks Gallery - It doesn't really make any difference either way to us at Handworks. Our shipments always come in boxes small enough to be brought in on a dolly. I feel a little sorry for the delivery guys but they are always in such good shape right? :) I do hope something other than those ugly orange sawhorses will be used as barriers, I'd assume this is the case.

First Presbyterian Church - For us, the main concerns are weddings and funerals, and if the special permit process is still in effect, it should be fine. There are deliveries, but they can be made to the Cork St. entrance.

OTWBA President, Dorian Brown - I think it would be lovely to keep delivery vehicles off of the Walking Mall. As stated above, everyone has come up with an alternate plan during the construction period, so it seems that we can keep it going. Two things come to mind however. 1) Not only making sure that the current "delivery only" spaces be maintained as open and available, but also consideration be made if additional space will be necessary in other locations. 2) Special arrangements be made for large pick-up/delivery such as furniture or when businesses and residents are moving in our out.

Dharma Studio - Vehicles? What vehicles? Do you mean when folks drop stuff off? If so, I recognize it as just a function of business. Not a big deal to me.

Discovery Museum - Since the museum has multiple back entrances, we have alternatives for delivery. This makes a difference. Personally, as a newcomer here I was surprised by the volume of utility traffic on the mall and by its potential hazards. Since that has been reduced, it's been a real boon. Perhaps a permitting system or restricted hours (before 8:30 a.m. and after...?) might help.

Once Upon A Find - not directly impacted by vehicles on the mall. They have a back entrance and so it was not essential to their business to get Loudoun Street deliveries. She was concerned how it might impact other businesses and so felt it should be up to them.

Realteaze hair design – Tammy Whetstone I am for it. We don't get huge deliveries but the more we take care of the mall the better it will be.

Polka Dot Pot – Emily Rhoads When I moved in to our space we used the alley for most of it. When we couldn't use the alley we hand trucked and carried it in from the streets. Regarding car shows, can't they get some sort of drop cloth/mat they can park their car on? Food vendors can be just as oily as cars. Sometimes it may be best to have a strict policy in place to start with that can be tweaked and relaxed as needed versus making changes after the fact. Just my two.... I'm weighing in here. I enjoy the vehicles not being allowed on the mall but can understand how some will need access. My concern is that the policy be consistent. If vehicles are not allowed then the city cannot make exceptions for events, such as Apple Blossom, as it

would not be fair to the merchants who will be dealing with any closure on a regular basis. Oil can leak from any vehicle and anything with tires can leave marks. And frankly, UPS and FedEx will keep better maintenance on their vehicles than others.

Old Towne Armory - Sarah Valentine There is a big problem with people parking in the loading zones on Indian Alley too. I have been late too many times because someone is parked in the loading zone, and the truck making deliveries has to sit on Indian Alley. I don't blame the truck driver, I blame the cars that always park in a no parking zone!

Winchester Book Gallery - Brian Patrick Allow the delivery vehicles, my opinion, and get rid of those unwelcoming orange barricades.

Swirl's Grill – not directly impacted but questioned if the mall were built poorly so that it was not strong enough to sustain deliveries, wondered if this had been the plan all along or if the narrow fire lanes and big planters were just poor planning.

Dollar General – they get thousands of items delivered every week, huge soda deliveries and others and not having deliveries to their front door would be very inconvenient. However, she said she understood why we were considering restricting delivery vehicles and could make it work.

Village Square and Bistro - John David Smith We have a rear entrance so all deliveries go there. I am supportive of no vehicles on the mall. As before any special cases need to get a permit before 10.00am. So I guess no car shows on the mall?? Or am I wrong on this? My thoughts are simple, for me and others on Indian Alley side who have rear entrances for deliveries should not have a voice in this or the survey. We are already being served and don't need access of truck traffic, deliveries and such. (However, myself and Union Jack would need access at least once a month of a smaller truck on the mall to deliver nitrogen to our beer systems. There is a spout for filling on our frontage outside trap doors) we could work out with the company to do it on pick up trucks if needed. With the few on Indian Alley side of the mall and the many on Bell's side of the mall, they are the ones who would be affected the most with no truck access deliveries. Many of the smaller businesses do not deal with the big purveyors, thereby dependent on UPS, FedEx, and their own pick ups. Also, trash pick up will be difficult as well. I guess the city would use a small pick and make several trips for their refuse. Also, tenants who have no rear access to their apartments for moving in or just purchasing new furnishings that need to be delivered. I know initially we thought that there would be more traffic on the mall, except the strict enforcement of the times that deliveries were being made...So finally, you would probably have to manage a timeframe for truck access and pounds per vehicles. Check with Perry and HRI on what they think is safely allowable. Maybe, the ERC could come up with a survey.☐

Union Jack Pub - Susan Touchette Can I mention..... We were looking at repairing and painting our building and were told we might not even be able to use a lift to reach the building because of this possible rule. How the heck do you limit a lighter weight lift that would be used to...See More

Bright Center, owner Marilyn Finnemore - Just wanted to give you my input in writing about traffic on the newly renovated mall. Unless people get a special permit/exception or there is an emergency, traffic (especially general deliveries) should not be allowed on the mall. We have a pedestrian mall to be proud of, and it's important that we protect our investment and keep pedestrians safe.

Wilkin's Shoe Center – do not receive deliveries in their front door so not an issue for them.

The Hair Company - I personally don't have an issue because I can park in the rear to load and unload. I also never receive large shipments, although if I did it would be impossible to bring a large truck to my rear parking lot. I can see where it's an inconvenience to other businesses in that respect. I also think it's a shame and a disservice to fellow businesses and the community to not allow the farmers to sell produce out of their trucks during the season. Is there another plan or place to set up the produce sellers?

Godfrey Miller Historic Home and Fellowship Center - Restricting vehicles on the Mall will not impact Godfrey Miller Historic Home and Fellowship center. However, I am interested in where these loading zones might be located and hope no additional parking places in the Hable or Palace lot will be lost. Although we rent 10 parking spaces from the Braddock Street Methodist Church, we still have a significant number of people parking in these lots.

Bells - 1. Garbage trucks should definitely not be permitted back on mall if possible –the “drippings” leave an odor and stains. 2. Apple Blossom Vendors should stay on asphalt surfaces as well. The grease drippings after the event will be hard to clean with pressure washing due to the nature of the way the faux stone and brick pavers were laid---a high pressure washing will remove this grout and never get out all of the stains. 3. UPS and Fed X drivers have adjusted to the ban during construction and will continue to deliver the freight if the ban is kept in place. 4. Food delivery trucks that service the restaurants may be a different story. I would prefer for the delivery trucks to remain off of the mall, but I am not well enough versed with the difficulties imposed by the restriction on the restaurants.

Wire and Web - The impact on us is not as great as some. We have deliveries about once a week from FedEx or UPS. That said, the issues with our stuff getting wet (it does not tolerate water) as they have to park away from us is a concern. It is only a matter of time, if they cannot get to our front door, before I have to reject a shipment due to water damage. I think the FedEx, UPS and Mail deliveries should be allowed, with the larger trucks back to Indian alley.

Brewbaker's – not directly impacted by vehicles on the mall. They have a back entrance and so it was not essential to their business to get Loudoun Street deliveries.

147 Restaurant – not overly concerned with limiting vehicle delivery. He said they were able to receive deliveries in the back and even their musicians had been able to use the back entrance and walk through the restaurant to set up in the front.

Thai Winchester - We have seen no adverse effect to restricting delivery vehicles. It makes the Mall cleaner, safer, and will cause less wear and tear. We think it should continue. We would also like to see more enforcement on restricting bicycling and skateboarding on the Mall. Some people have suggested that some bicyclists should be welcomed on the Mall (a better class of cyclist?) but these people do not shop or eat while riding and would be better to ride in the park.

Old Warsaw Gallery – She believes vehicles should be kept off the mall. She does not want vehicles dirtying the mall or destroying the mall which looks so beautiful.

HARRISON & JOHNSTON, PLC - Stephen L. Pettler, Jr. It would not affect our business in any way. We support any decision which is in the best interest of preserving the investment made to beautify the mall.

Full Frame Photography – We have 7.1 million reasons to keep vehicles off the mall. She is in favor of keeping delivery vehicles off the mall.

Main Street Fare Consignment, Eugene B Smith, Luciole, Beadworks, Abija Blue - were in favor of keeping delivery vehicles off the mall. I spoke with them in person but I do not have specific comments recorded for them.

0-2013-22

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: July 16, 2013 CUT OFF DATE:

RESOLUTION ORDINANCE X PUBLIC HEARING

ITEM TITLE: Ordinance to amend and re-adopt section 10-51 of the City Code to include an exception for blasting operations related to Cemetery burial of deceased human remains.

STAFF RECOMMENDATION: Approve as recommended

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: N/A

INSURANCE: As required

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.

Table with 4 columns: DEPARTMENT, INITIALS FOR APPROVAL, INITIALS FOR DISAPPROVAL, DATE. Rows include Finance/Risk Management, Fire & Rescue Department, City Attorney, City Manager, Clerk of Council.

Initiating Department Director's Signature: Mary Blowe Date: 6-24-13



CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Mary Blowe, Finance Director
Date: July 16, 2013
Re: Ordinance change for blasting requirement relating to insurance

THE ISSUE: City staff has been presented with a request to decrease the insurance amounts relating to blasting at Mt. Hebron Cemetery from \$5M to \$2M.

RELATIONSHIP TO STRATEGIC PLAN: With this change, we can work with our community to create a more livable City for all.

BACKGROUND: City Staff have been asked to review the requirement for Mt. Hebron Cemetery to carry insurance in the combined single limit of \$5M. This created a hardship for the cemetery so staff began to research the necessity of this limit. We spoke with our insurance carrier to ensure that the requested \$2M is adequate and they are comfortable with this reduced limit of liability. This insurance is required before a permit can be issued.

BUDGET IMPACT: No budget impact to the City.

OPTIONS: Add this exception to the existing code section:

Exception: An applicant for blasting operations related to cemetery burial of deceased human remains may be permitted to obtain a permit with insurance in the amount of \$2,000,000 rather than \$5,000,000, provided its operations are conducted on its privately owned property and further provided that the blasting operations shall be inspected and approved by the Fire Marshall not less often than once a year.

RECOMMENDATIONS: Staff recommends the proposed document as submitted.

AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 10-51 OF THE CITY CODE TO INCLUDE AN EXCEPTION FOR BLASTING OPERATIONS RELATED TO CEMETERY BURIAL OF DECEASED HUMAN REMAINS

WHEREAS, Section 27-97 of the Code of Virginia authorizes municipalities to adopt fire prevention regulations that are more extensive in scope than the Statewide Fire Prevention Code; and

WHEREAS, the City of Winchester has adopted the Statewide Fire Prevention Code with such amendments in Section 10-51 of the Winchester City Code; and

WHEREAS, the Virginia Statewide Fire Prevention Code only requires a level of \$500,000.00 minimum insurance for blasting operations; and

WHEREAS, Common Council had previously, at the request of the Fire Marshal, approved an Ordinance to increase the insurance requirements of Section 3301.2.4 of the Virginia Statewide Fire Prevention Code to require a level of \$5,000,000.00 as minimum required blasting insurance; and

WHEREAS, Mount Hebron Cemetery has requested an exception to this amount for blasting operations associated with cemetery burial of deceased human remains as such blasting operations have been represented to utilize a minimum of explosive charge, are conducted under relatively controlled conditions, and are believed to be less likely to cause significant damage to life or property; and

WHEREAS, such blasting operations by Mount Hebron Cemetery have been conducted in the City of Winchester for a considerable period of time with no known instances of claims against the City arising from such operations; and

WHEREAS, the City has confirmed with its insurance company (VML) that Mount Hebron's request for an exception for blasting related to cemetery burial of deceased human remains is not unreasonable and unlikely to result in excessive exposure upon the City of Winchester; and

WHEREAS, it is the belief of Common Council that the adoption of said exception is in the best interests of the City.

NOW THEREFORE BE IT ORDAINED that Section 10-51 of the Winchester City Code is hereby amended and readopted to include the following exception:

SECTION 10-51. AMENDMENTS, ADDITIONS AND DELETIONS TO THE VIRGINIA STATEWIDE FIRE PREVENTION CODE.

Pursuant to Code of Virginia, § 27-97, the City is empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Statewide Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure, including the voluntary installation of smoke alarms and regulation and inspections

thereof in commercial buildings where such smoke alarms are not required under the provisions of the Code. The City hereby adopts the Statewide Fire Prevention Code with the following amendments:

[. . remaining portions of ordinance remain unaltered . . .]

Change Section 3301.2.4 to read:

3301.2.4 Financial responsibility. Before a permit is issued as required by Section 3301.2, the applicant shall file with the city a certificate of insurance which shows that the applicant has general liability insurance in the amount of at least \$5,000,000 combined single limit for bodily injury and property damage provided by an insurance company authorized to sell insurance in Virginia by the Virginia State Corporation Commission. Commercial General Liability is to include bodily injury and property damage, personal injury and advertising injury, products and completed operations coverage. The City of Winchester must be named by endorsement to the policy as additional insured and provided a copy prior to the event. Certificate holder: City of Winchester, 15 N. Cameron Street, Winchester, VA 22601. This insurance policy shall become available for the payment of any damage arising from the acts or omissions of the applicant, his agents, or his employees in connection with the permitted activity. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit, and remains continuously in effect until such activities are completed.

Exception: An applicant for blasting operations related to cemetery burial of deceased human remains may be permitted to obtain a permit with insurance in the amount of \$2,000,000 rather than \$5,000,000. provided its operations are conducted on its privately owned property and further provided that the blasting operations shall be inspected and approved by the Fire Code Official not less often than once a year.

R. 2013-32

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: July 16, 2013 CUT OFF DATE:

RESOLUTION X ORDINANCE PUBLIC HEARING

ITEM TITLE: Resolution to allow Buettner Tire Distributors to enter into a contract with the City of Winchester for automotive services.

STAFF RECOMMENDATION: Approve as recommended

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: N/A

INSURANCE: As required

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.

Table with 4 columns: DEPARTMENT, INITIALS FOR APPROVAL, INITIALS FOR DISAPPROVAL, DATE. Rows include Purchasing- Steve Corbit, City Attorney, City Manager, Clerk of Council.

Initiating Department Director's Signature: Mary Blowe, Finance Director Date: 7-2-13



APPROVED AS TO FORM: [Signature] 7/8/2013 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Mary Blowe, Finance Director *B*
Date: July 16, 2013
Re: Resolution to allow contract with Buettner Tire Distributors

THE ISSUE: Code requires that a Councilor must first seek approval from the governing body prior to either the award of a contract or prior to the signing of a contract where he/she is providing goods or services to the City of Winchester.

RELATIONSHIP TO STRATEGIC PLAN: With this change, we can work with our community to create a more livable City for all.

BACKGROUND: The purchasing department issued an invitation to bid for automotive repair and preventative maintenance goods and services. This bid would allow all departments to utilize these services as needed. The purchasing agent received multiple bids and selected Buettner Tire Distributors as the lowest responsible and responsive bidder.

BUDGET IMPACT: As stated in the bid.

OPTIONS: Council could direct the purchasing agent to rebid and select another vendor.

RECOMMENDATIONS: Staff recommends the proposed resolution as submitted.

**RESOLUTION REGARDING CONTRACT NO. 201321 TO WHICH
BUETTNER TIRE DISTRIBUTORS IS A POTENTIAL SUPPLIER**

WHEREAS, the City of Winchester published Invitation to Bid No. 201321, dated May 22, 2013, for qualified contractors to provide automotive repair and preventative maintenance goods and services; and

WHEREAS, the lowest acceptable bid on the aforementioned ITB was submitted by Buettner Tire Distributors, and was awarded to Buettner Tire Distributors, on July 3, 2013; and

WHEREAS, Buettner Tire Distributors is a business in which Councilor Jeffrey Buettner has a "personal interest", as that term is used in the Virginia State and Local Government Conflicts of Interest Act; and

WHEREAS, Councilor Buettner has had no involvement in the preparation of the specifications for ITB# 201321 and no access to any confidential or special information pertaining to same; and

WHEREAS, Councilor Buettner has disclosed the interest and has not participated in the consideration of this matter before the Common Council.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Winchester, Councilor Buettner abstaining, finds that it is in the public interest that the City proceed with this contract with Buettner Tire Distributors.

Resolution No. 2013-__.

ADOPTED by the Common Council of the City of Winchester, Virginia, this ___ day of _____, 2013.

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: 8/13/13 CUT OFF DATE: _____

RESOLUTION x ORDINANCE PUBLIC HEARING

ITEM TITLE: Resolution to Amend and Readopt Sections 7.2 and 7.4 of the CEMS.

STAFF RECOMMENDATION: Approve/Adopt Resolution.

PUBLIC NOTICE AND HEARING: Not required.

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: N/A

INSURANCE:

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney	<i>JD</i>		<i>7/10/2013</i>
6. City Manager	<i>[Signature]</i>		<i>7-11-13</i>
7. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: *[Signature]* *[Signature]*
Date
 Joel Davis, Human Resources Director



CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Joel Davis, Human Resources Director
Date: July 2, 2013
Re: Amendment to Sections 7.2 and 7.4 of the CEMS

THE ISSUE: Sections 7.2 and 7.4 of the CEMS must be amended to comply with applicable requirements of the Code of Virginia.

RELATIONSHIP TO STRATEGIC PLAN: Goal 2 – Develop a High Performing Organization

BACKGROUND: On June 28, 2013, an employee challenged the City Manager's determination of non-grievability of a Written Reprimand issued for violation of Department and City Policy. Upon review, the Court determined that Written Reprimands should not be included as "non-grievable" under the City's Policy. The attached recommended revisions have been proposed to adjust the City's Policy accordingly.

BUDGET IMPACT:

None.

OPTIONS:

1. Implement the recommended revisions.
2. Do not change the existing policy.
3. Provide additional direction to staff, and/or take no action at this time.

RECOMMENDATIONS: Implement the recommended revisions.

A RESOLUTION TO AMEND AND RE-ADOPT SECTIONS 7.2 AND 7.4 OF THE WINCHESTER COMPREHENSIVE EMPLOYEE MANAGEMENT SYSTEM ("CEMS")

WHEREAS, §15.2-1506 *et. seq.*, of the Code of Virginia authorizes municipalities to adopt a Personnel Policy including an employee grievance procedure to address disputes which may arise between employees and the City's Administration; and

WHEREAS, the City of Winchester has adopted such a Personnel Policy which is set forth in the Winchester Comprehensive Management System ("CEMS"); and

WHEREAS, certain amendments to Sections 7.2 and 7.4 of the CEMS are necessary in order to comply with the requirements of State Code provisions.

NOW therefore be it RESOLVED that Sections 7.2 and 7.4 of the CEMS are hereby amended and re-adopted as follows:

7.2.C. Forms of Disciplinary Action

An employee suspected of violating policy may be placed on Administrative Leave with pay by the City Manager, pending the outcome of an investigation. This provides the Administration Department with the assistance of the Department Head time to investigate the complaint without financially harming the employee. All proposed disciplinary action must be approved by the Administration Director and City Attorney. When a complaint is founded, disciplinary action may take any of the following forms and is not necessarily restricted to the order set forth below:

➤ ~~Verbal Reprimand~~Oral Counseling - ~~A verbal reprimand~~Oral Counseling is not a form of disciplinary action. It may be used in lieu of formal disciplinary action by a supervisor in an effort to correct an employee's behavior without the imposition of formal discipline. An Oral Counseling is a discussion between the supervisor and the employee wherein the employee is advised and cautioned with reference to unsatisfactory work performance or misconduct. Department Heads should document all instances of ~~verbal counseling~~Oral Counseling and advise the Administration Director of aforementioned, ~~h-counseling~~. However, ~~this is~~Oral Counselings are not placed in the employee's official personnel file.

➤ **Written Reprimand** - A written reprimand is a written documentation to the employee from the supervisor wherein the employee is advised and cautioned with reference to unsatisfactory work performance or misconduct.

➤ **Suspension** - A suspension is the temporary removal from duty of an employee for cause. The suspension period shall be without pay.

➤ **Withholding of Merit Increase** - The withholding of a merit increase is the denial or postponement of any merit increase within the pay range of a class which is normally awarded upon the employee's completion of a prescribed period of successful job performance.

- **Administrative Decrease** - An administrative decrease is a reduction within the pay range of a class as a disciplinary action resulting from unsatisfactory job performance or misconduct. An administrative decrease requires a letter of justification submitted by the respective Department Head to the City Manager.
- **Disciplinary Demotion** - A disciplinary demotion is a reduction in the pay grade of an employee for disciplinary reasons in conjunction with a change in job duties and responsibilities. A disciplinary demotion may result in a transfer.
- **Discharge** - Discharge is the involuntary separation from employment initiated by the City as a result of an employee's unsatisfactory work performance or misconduct.
- **Decision Day** – The City may utilize the option of Decision Day in lieu of disciplinary action. An employee is instructed to take one day off with pay to decide if he wants to continue to work for the City. If the employee decides to resign from the City, he may do so voluntarily by submitting a written resignation. If the employee decides to continue working for the City, he signs an agreement to abide by all the rules and regulations of the employer. He is also advised that should additional misconduct occur or unsatisfactory performance continue, he will be subject to disciplinary action up to and including discharge.

7.4.E. Matters Deemed Not Grievable

Employees are advised that conditions of employment and law and policy established by the City Council are not grievable. By State law, wages, salaries, and fringe benefits, likewise, are not grievable. In addition, it is to be understood that the establishment of this procedure shall in no way remove the right of the City to do the following, provided however, that none of these rights may be exercised in an arbitrary or capricious manner:

1. Establishment and revision of wages or salaries, position classification or general benefits;
2. Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content;
3. The contents of ordinances, statutes or established personnel policies, procedures, rules and regulations;
4. Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly;
5. The methods, means and personnel by which work activities are to be carried on except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance, discharge, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job abolition;

6. The hiring, promotion, transfer, assignment and retention of employees within the local government; and

7. The relief of employees from duties of the local government in emergencies.

8. ~~Verbal and written reprimands~~ Oral Counselings ~~which do not include performance requirements such as an Employee Improvement Plan, or a reduction in salary, pay grade, pay classification, rank, or a mandatory transfer unless the basis for the reprimand is alleged to be retaliation or discrimination.~~

In any grievance brought under the exception to Section 7.6 E 5 of this subsection, the action shall be upheld upon a showing by the local government that there was a valid business reason for the action, and the employee was notified of the reason in writing prior to the effective date of the action.



2013 Fire and Rescue Department Statistics

Month	Incidents											Casualties		Training Hours		Resuscitation Efforts	
	EMS	Fire	Total	Struc. Fire	Fire Other	ALS 1	ALS 2	BLS	Pt. Ref.	Mutual Aid Given	Mutual Aid Recvd.	Fire	Civ.	Dept. Personnel	LFCC Ride-Along Students	Cardiac Arrest	Cardiac Arrest Saved
January	349	96	445	5	91	160	2	137	21	50	13	1	0	935	0	2	0
February	309	65	374	2	63	138	1	109	25	18	13	0	1	424	0	3	1
March	390	103	493	7	96	171	6	161	23	40	7	0	1	879	12	4	2
April	333	95	428	3	92	153	3	130	19	27	15	1	0	872	282	2	0
May	388	113	501	5	108	144	5	144	30	35	11	1	2	410	54	3	1
June	341	112	453	8	104	134	4	150	31	39	10	0	3	386	0	4	1
July			0		0												
August			0		0												
September			0		0												
October			0		0												
November			0		0												
December			0		0												
TOTAL	2110	584	2694	30	554	900	21	831	149	209	69	3	7	3905	348	18	5

10 Years of Incidents										
2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
4932	5288	5711	5673	5571	5365	5407	5539	5541	5756	

Other Monthly Activity:

- 1 civilian fire related fatality
- Participated in the Boys and Girls Club camp the Museum of the Shenandoah Valley
- Participated in the International Kids Festival with a display of apparatus and cooling station



2013 EMS Revenue Recovery Statistics

	Total billed	Payment Adj.	Net Collectable	Total paid by insurance	Patient Payment	Refunds	Total Deposit	Total Revenue	Increase from FY2012	Percent Increase From FY2012
JULY	\$126,778.90	\$11,623.84	\$115,155.06	\$69,364.80	\$5,366.65	\$0.00	\$73,835.07	\$73,835.07	(\$2,281.10)	-3%
AUGUST	\$142,869.00	\$31,262.09	\$111,606.91	\$83,892.28	\$5,421.17	\$2,427.97	\$85,798.55	\$159,633.62	\$12,214.35	8%
SEPTEMBER	\$145,099.30	\$26,553.86	\$118,545.44	\$67,392.94	\$3,194.94	\$0.00	\$70,587.88	\$230,221.50	\$11,373.22	5%
OCTOBER	\$151,297.00	\$30,455.99	\$120,841.01	\$83,952.79	\$6,885.54	\$3,280.83	\$87,455.90	\$317,677.40	\$27,083.04	8%
NOVEMBER	\$139,676.00	\$25,056.27	\$114,619.73	\$72,876.46	\$4,703.19	\$0.00	\$76,839.29	\$394,516.69	\$30,812.59	8%
DECEMBER	\$156,084.00	\$30,328.76	\$125,755.24	\$66,724.82	\$4,728.38	\$3,950.43	\$67,502.77	\$462,019.46	\$29,527.90	6%
JANUARY	\$153,218.00	\$23,889.17	\$129,328.83	\$93,248.07	\$5,211.39	\$588.22	\$97,584.19	\$559,603.65	\$59,324.28	11%
FEBRUARY	\$127,137.10	\$21,943.46	\$105,193.64	\$85,719.94	\$5,775.19	\$0.00	\$90,886.34	\$650,489.99	\$76,411.27	13%
MARCH	\$173,866.80	\$14,869.92	\$158,996.88	\$59,761.20	\$4,455.13	\$1,069.33	\$63,058.79	\$713,548.78	\$65,268.50	10%
APRIL	\$147,374.10	\$1,583.79	\$145,790.31	\$91,871.50	\$4,355.50	\$1,363.88	\$93,793.58	\$807,342.36	\$76,456.16	10%
MAY	\$149,858.00	\$9,475.03	\$140,382.97	\$78,505.67	\$0.00	\$0.00	\$78,505.67	\$885,848.03	\$78,808.64	10%
JUNE	\$149,858.00	\$0.00	\$149,858.00	\$73,728.05	\$1,993.26	\$150.00	\$75,506.82	\$961,354.85	\$72,071.92	8%
TOTALS	\$1,763,116.20	\$227,042.18	\$1,536,074.02	\$927,038.52	\$52,090.34	\$12,830.66	\$961,354.85			63%



2013 Fire Marshal Division Statistics

Month	City Fire Property Dollar Loss/Save			Plan Review		Inspections/Investigations								Public Education			
	Loss	Value	Saved	#	Revenue	Fire Insp.	Follow-up	Sprinkler	Alarm	Supres.	Site	Other Insp.	Investig.	Smoke Alarms Installs	Car Seat Installs	Pub Ed Children	Pub Ed Adult
January	\$100.00	\$175,000.00	\$174,900.00	2	\$75.99	10	18	2	3	1	1	0	0	0	13	2	17
February	\$600.00	\$107,000.00	\$106,400.00	9	\$0.00	16	9	3	0	0	0	0	1	2	10	64	53
March	\$0.00	\$0.00	\$0.00	11	\$758.30	14	18	8	0	1	2	42	0	4	8	15	40
April	\$26,100.00	\$111,100.00	\$85,000.00	5	\$214.20	38	26	2	0	0	0	21	2	1	4	2	8
May	\$105,500.00	\$148,400.00	\$42,900.00	14	\$1,239.86	8	9	5	1	3	0	23	1	1	11	143	43
June	\$98,000.00	\$17,846,200.00	\$17,748,200.00	6	\$517.16	15	14	4	3	3	3	10	3	1	3	113	19
July					\$0.00												
August					\$0.00												
September					\$0.00												
October					\$0.00												
November					\$0.00												
December					\$0.00												
TOTAL	\$230,300.00	\$18,387,700.00	\$18,157,400.00	47	\$2,805.51	101	94	24	7	8	6	96	7	9	49	339	180



2013 Station/Apparatus Statistics

Month	Station Logbook Runs			
	1	2	4	5
January	174	73	151	196
February	148	71	122	180
March	188	80	180	215
April	164	80	161	203
May	173	72	157	226
June	168	77	137	218
July				
August				
September				
October				
November				
December				
TOTAL	1015	453	908	1238



A Virginia Accredited Law Enforcement Agency

Timbrook Public Safety Center
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Winchester, VA 22601

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**WINCHESTER POLICE DEPARTMENT
MONTHLY COUNCIL REPORT
June 2013**

5 YEAR TREND FOR MAJOR CRIMES- June

	2009	2010	2011	2012	2013
THEFT	75	79	96	109	61
GRAND THEFT	22	17	9	23	18
MVT	5	0	2	1	2
ROBBERY	4	1	0	0	2
RAPE	0	0	1	0	0
B&E	11	16	8	17	8

5 YEAR TREND ENFORCEMENT -Enforcement for June - 5 year trend

	2009	2010	2011	2012	2013
Felony Arrests	29	39	30	16	27
Misdemeanor Arrests	101	115	212	154	130
Legal Document - Felony	49	50	26	39	28
Legal Document - Misdemeanor	159	150	145	150	103
DUI Arrests	17	20	21	11	19
Incident Reports	370	348	344	389	293
Field Contacts Documented	35	93	52	104	21
Speeding - Radar	28	92	134	51	50
Traffic Violations	229	226	474	172	123
Vehicle Crash Investigations	65	40	65	63	58
Parking Violations	75	132	216	90	93
Warnings	0	0	0	0	70

Up-to-date statistics can be found at www.winchesterpolice.org/crimestats/index1.html and up-to-date crime maps are available at www.winchesterpolice.org/crimemap/index1.html.