

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
August 27, 2013
City Council Chambers – Rouss City Hall**

DRAFT

PRESENT: Councilor Jeff Buettner, Evan Clark, John Hill, John Tagnesi and Ben Weber; Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (9)

ABSENT: None (0)

1.0 Call to Order – President Willingham called the meeting to order at 6:00 p.m.

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

Paul Lewis of 633 Tennyson Avenue stated in the past two weeks he has become more knowledgeable about VHF 700 Mhz and 800 Mhz systems that if his current profession doesn't work out, he could become a consultant in that field. He fully understands after learning about and doing the proper research that the narrow banding is very important to Fire and Rescue especially with some of the more dense buildings and having the waves be able to communicate within the buildings. He had the opportunity to speak to the Chief of Fire & Rescue for the City of Manassas who wrote a brief 10 years ago on behalf of FEMA on the importance of narrow banding. He stated the first part which he thinks will be easy to address is the beautification of the city. The city spent \$60-\$70 million on Handley in the past years even taking down the smoke stacks. The city has spent millions on the Amherst Street/Route 50 corridor, Old Town, and other things such as planting trees, brick pavers and so forth. This is something that once it goes up it will be up forever. This is not something that you can undo like a coat of paint on a building. He understands there are all kinds of FCC and FAA regulations but this is something that is pretty much a forever thing. He stated he has read every single document going back from the Council notes in April of 2012 and June of 2012 to the Planning Commission notes from August 20th on the site of the tower. He saw references in several of the documents that the site on Jefferson Street was chosen as a result of several analysis, staff reports, and propagation studies. But, in looking at all of the material there is not one supporting propagation study or statistical evidence that supports no other site in the city of Winchester would work for that or that a single tower is the only option available to the city. He could not find that anywhere and even went as far as looking at the RFP that was released in December of 2011. The candidate sites when Motorola made their presentation on August 15th were the same exact candidate sites with NO, NO, NO except for Jefferson Street. He has not seen anything else that referenced any other potential site that might even be viable other than the

Jefferson Street location. He stated in summary, he fully supports the Fire and Rescue and Law Enforcement who have the needs for state of the art communications and not have a break down or failure that plagued a lot of the agencies during 9/11 which he thinks raised a lot of this to this level. At the same time, he would like to see colored drawings, a lit balloon flown in that area, and a scaled model of what the tower is going to look like. He would caution Council to take a step back to look at it and get more input from other citizens.

Scott Bridgeforth of 601 Jefferson Street read from a staff report that said “the erection of the radio tower must take into consideration the area requirement of the site, access, fall zone, and general community safety.” He stated the fall zone has not been readily defined for him. He has not heard what the distance is. He has heard guesses but not exact measurements. He asked if trying to wedge this in between a water tower and a water reservoir is a risk for the safety of the general community. He stated it all fails to mention the impact of potential land development of which he spoke at the Planning Commission meeting. He has seen the maps that show where houses exist now but everyone needs to envision what could be there in the future. He and his wife are the residents at 601 Jefferson Street and have never been approached about anything concerning the fall out area within their property. He would have to say today the answer is no because they have never been approached.

Laurie Bridgeforth of 601 Jefferson Street stated she and her husband are the closest neighbors to the proposed tower and she has a couple of questions she would like be considered. She has a staff email that states the fall zone is the height of the tower which to her is 237 feet. The ordinance requires that towers located in a residential district be separated from the property line by at least the height of the tower. She asked that the staff graphics that have been supplied with the measurements be checked to see if the 237 feet stays on city property. She also asked that Council consider that previously this body has voted in terms of not limiting potential impact on future use or limiting future opportunities of property in the city. She stated they own the 13 acres that fronts this tower that is currently wooded but they have potential future plans to perhaps develop that property. In which case, the fall zone is directly going to affect potential development. From a safety stand point, she asked Council to please consider the proximately of the proposed tower in relation to the current 185 foot water tower. In addition to the water tower, there is also a very large water reservoir tank that is not very well depicted in the visual evaluation Council has probably seen. She asked if the tower snaps in a storm and one of those tanks is ruptured, where will the thousands and thousands and thousands of gallons of water go.

President Willingham asked if there was anyone else to address Council, seeing none he closed the public comments at 6:09 p.m.

Mayor Minor presented a proclamation honoring the Winchester Firefighter’s “Fill the Boot” Week to Blaine Johnson of the Winchester Fire & Rescue Department.

3.0 Items for Discussion:

3.1 R-2013-41 & O-2013-27: Approval of Series 2013 General Obligation Public Improvement Bonds

Finance Director Mary Blowe presented the resolution and ordinance required for the General Obligation Public Improvement Bonds. She stated as a part of the budget process Council discussed the debt issuance. The bond ratings are very good right now so she would like to move forward with the issuance. The maximum not to exceed is \$27 million including the issuance costs. She stated this will not exceed any of the debt policies and the City will still have a nice reserve balance.

Vice-Mayor Veach moved to forward R-2013-41 and O-2013-27 to Council. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

3.2 R-2013-42: Resolution – Approval of Consolidated Annual Performance and Evaluation Report

Grants Coordinator and Project Specialist Tyler Schenk presented a resolution approving the FY13 Consolidated Annual Performance and Evaluation Report and provided a brief description of the 2012 funding and expenses.

Mayor Minor moved to forward R-2013-42 to Council. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

3.3 CU-13-422: Conditional Use Permit – Request of Daniel T. Knight, Jr. for a conditional use permit for motor vehicle painting, upholstery, and body and fender work at 427 North Cameron Street (*Map Number 173-01-K-1*) zoned Commercial Industrial (CM-1) District

Planning Director Tim Youmans presented the request for a Conditional Use Permit for a vehicle body shop located at 427 North Cameron Street. He provided a description of the property and the surrounding area showing the only access to the building is from Cameron Street. The Planning Commission recommended the request for approval with the conditions that all service occurs inside the building and all vehicles waiting to be serviced are stored inside as well. The Planning Commission also suggested allowing the applicant the opportunity to expand the hours of operation if needed.

Vice-Mayor Veach moved to forward CU-13-422 to Council. *The motion was seconded by Councilor Buettner then unanimously approved by voice-vote.*

3.4 Presentation and Discussion: Jubal Square Development Proposal Fiscal Analysis - O-2013-25 (RZ-13-196)

William Park of Bluestone Land, L.L.C. presented a summary of the Jubal Square Development Fiscal Analysis.

3.5 CU-13-372: Conditional Use Permit – Request of Morris & Ritchie Associates on behalf of the City of Winchester for a conditional use permit to construct a telecommunications tower at 700 Jefferson Street (*Map Number 190-01-3*) zoned Education, Institution and Public Use (EIP) District.

Director of Zoning & Inspections Aaron Grisdale presented the request to install a radio communications tower behind the current John Kerr Elementary School and in proximity to the water tower.

Emergency Management Coordinator Lynn Miller presented a brief summary on the history of the project.

Police Chief Kevin Sanzenbach spoke to the criticality of the current radio system and why it needs to be replaced. He stated to start off it is the age of the system and the difficulty in getting replacements parts for the system. The facility is dependent on staff to turn on the air conditioning in the spring, the heat in the winter and to make sure the equipment is maintained not to mention the number of snakes they have found in the facility. As for officer safety, there are a number of potential targets in the city such as the hospitals, schools, City Hall and the Joint Judicial Center where officers cannot effectively communicate via radio with the current system. It just does not reach inside those concrete and steel buildings. With the new performance standards of the new systems, the officers will be able to communicate far better than they currently can. He stated the new system as proposed will give them multiple channels for things like Apple Blossom and barricaded situations. Right now, they are forced to operate on two channels. One for the city wide operations and calls for service and the other is the tactical channel where barricade teams, negotiation teams, tactical teams or intelligence gathering all have to operate from one channel. When they get into real critical situations it is very difficult. With the new system, there will be multiple channels available to them so each function will have its own channel especially when there are 10 different events going on such as during Apple Blossom. There is also no redundancy in the current system. They are very reliant on a piece of wire to get communications from the existing tower down to the 911 center. They were very close to losing that during the derecho when a tree fell. That redundancy is critical to the operations. It is those 4 items that makes it critical for a new system. He can testify to the enormous amount of work that has been put in by Mr. Miller with Motorola and Kimball and other members of staff in trying to get this reasonable solution that is cost effective and meets all of the needs.

Fire and Rescue Chief Allen Baldwin stated the Fire Department system operates on a lower level than the Police system. The bottom line is for them to communicate on a fire route and to properly carry out a search of structure and to keep the firefighters safe, they need a system that has adequate channel coverage, adequate portable coverage, and a system that is reliable. The current equipment dates back to the 70's. Last night in the county, there was a fire that they ran off a portable radio system. They were able to do that because their system has been updated although not to 800 Mhz so they could communicate with that firefighter if he was in an emergency. We do not have that capability here. With the current system design and limitations, we would not have been able to do that let alone hear that firefighter if he was in a building of the same type of construction in the city. He hopes we don't have that situation occur any time soon and looks forward to having a system that eliminates those issues and protects the firefighters.

Jerry Boyd of Teltel Tronics stated the city brought forward 11 candidate sites to review and from those it was determined a 250 foot tower could be used if they use the Jefferson Street location. They also looked at East Street near the Timbrook Public Safety Building but the tower would have had to be 350 feet high. Another location would have been viable but the city would have had to lease the 350 foot tower. The Jefferson location gave enough coverage with a smaller tower. He stated the tower will have a red flashing beacon at the top. The lens on the light directs the light out at a 3 degree angle and is designed to be seen by pilots but not people below. There will also be construction lights about 100 feet high on the tower.

Mayor Minor asked why the location on Fairmont would not work. Mr. Boyd stated the tower is not as high and it would be on the north end of the city. The coverage would be good on that end but it would not be as good in buildings as you moved further south.

Councilor Buettner stated 3 out of the 11 sites had a full analysis done but one was not done on the Valley Health property which is centrally located and surrounded by commercial properties. Mr. Boyd stated the structure would have been on the roof top and it would not have provided enough coverage in the south parts of the city.

President Willingham asked what would be the time frame to talk to Valley Health about a site. Mr. Boyd stated they would need to identify an actual location first then do a propagation study. He would expect 2 weeks to determine the height of the tower but to do the cost would be a few weeks. However, it would push the project back several months because they would need to resubmit an application with the FAA.

Councilor Buettner moved to discuss with Valley Health the possibility of studying a site there that would be appropriate to see if it covers the 95/95

standard. *The motion was seconded by Mayor Minor then approved 6/3 with Councilors Clark, Tagnesi and Weber voting in the negative.*

Councilor Tagnesi moved to forward CU-13-372 to Council. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

3.6 R-2013-43: Resolution – Request for submission of application for the SAFER Grant

Fire & Rescue Chief Allen Baldwin presented the request to submit an application for the SAFER grant to hire 4 firefighters. The funding would cover salaries and equipment for 2 years and the city would be responsible after that.

Vice-President McInturff moved to forward R-2013-43 to Council. *The motion was seconded by Councilor Clark than unanimously approved by voice-vote.*

3.8 CU-13-361: Conditional Use Permit – Request of Shenandoah Mobile, LLC for a conditional use permit to construct a telecommunications tower at 2633 Papermill Road (*Map Number 291-01-7*) zoned Commercial Industrial (CM-1) District.

Planning Director Tim Youmans presented the request for a telecommunications tower located at 2633 Papermill Road. He stated there is an existing tower on the property but it is not viable for 4G service. The tower would be a monopole structure.

Councilor Weber stated there are multiple towers throughout the city and asked why they could not be used for the radio communications tower for Public Safety. City Manager Dale Iman stated the height of the tower is not adequate to meet the 95/95 standard in the RFP. The only one of sufficient height is far north in the city. The height of the building is the issue.

Councilor Tagnesi stated the property owner already has people to use the old tower and does not want to take it down.

Councilor Clark moved to forward CU-13-361 to Council with the condition that the 92 foot tower be removed. *The motion was seconded by Councilor Tagnesi then approved 8/1 with Councilor Weber voting in the negative.*

3.9 O-2013-28: AN ORDINANCE TO AMEND AND RE-ENACT ARTICLES 1, 8, 9, 10, AND 13 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO RESTAURANTS AND ENTERTAINMENT ESTABLISHMENTS. TA-13-146

Director of Zoning & Inspections Aaron Grisdale presented a publically sponsored amendment to make the distinction between restaurants and other entertainment establishments.

President Willingham suggested the noise ordinance be reviewed if this is approved. He stated the city needs to be proactive in enforcing these ordinances and not wait until a citizen makes a complaint.

Vice-Mayor Veach moved to forward O-2013-28 to Council. *The motion was seconded by Councilor Tagnesi then unanimously approved by voice-vote.*

3.10 O-2013-29: AN ORDINANCE TO REZONE APPROXIMATELY 41.5 ACRES OF LAND CONTAINING APPROXIMATELY 86 PARCELS, EITHER IN FULL OR IN PART, TO BE INCLUDED IN THE CORRIDOR ENHANCEMENT (CE) DISTRICT; SUBJECT PARCELS ARE ADJACENT TO, OR WITHIN 400 FEET OF, THE BERRYVILLE AVENUE RIGHT-OF-WAY RZ-13-380 (*Establishes a Corridor Enhancement District along Berryville Avenue*)

Planning Director Tim Youmans presented the request to establish a Corridor Enhancement District along Berryville Avenue. He stated under the strategic plan, Council made the objective of beautifying the gateways into the city. A public information meeting was held in July with most of the attendees being residential. Staff has received no opposition from the business owners.

Mayor Elizabeth Minor moved to forward O-2013-29 to Council. *The motion was seconded by Councilor Buettner then unanimously approved by voice-vote.*

3.11 O-2013-30: AN ORDINANCE TO REZONE 1.295 ACRES OF LAND AT 1720 VALLEY AVENUE (*Map Number 231-04-K-8A*) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO B-2 DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) AND CE DISTRICT OVERLAY. RZ-13-292 (*Redevelopment plan for the former Coca-Cola plant*)

Planning Director Tim Youmans presented the request for a conditional rezoning at 1720 Valley Avenue. The proposal would include up to 18 residential loft style apartments and is consistent with the Comp Plan and the Strategic Plan. Staff and the Planning Commission recommend approval.

Vice-President McInturff moved to forward O-2013-30 to Council. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

3.12 O-2013-14: AN ORDINANCE TO AMEND AND REENACT ARTICLES 18, 21, AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIGNS, VIOLATION AND PENALTY, FEES, AND CORRIDOR ENHANCEMENT TA-13-138 (*Revision to temporary sign provisions and permit requirements*)

Director of Zoning & Inspections Aaron Grisdale stated he presented an overview of the changes made to the ordinance at the August 20, 2013 Work

Session and there are no new changes. He offered to answer any questions Council may have.

Councilor Buettner stated he has a lot of issues with this proposal. It is creating a hammer for a small group in the city and penalizing others. He would like to amend the ordinance to strike the permit process completely, ask staff to explore some sort of mechanism to base the number of signs per square feet of frontage with a cap, and give the ability to be out there more than 4 times a year.

Mr. Grisdale stated the way it is written is there is an allocation of the number of temporary permits that can be allocated per year. He would still like to see there be time frames in terms of the display period of signs and thinks something can be worked out if it is the desire of Council to modify it.

Councilor Buettner stated a limited time period would prevent a temporary sign becoming a permanent sign but still allow the flexibility for somebody to have back to back sales to put out different signs. He then moved to amend the ordinance to strike the permit process and create an ability to have more than one sign at a time out with a limit of 4.

Mr. Iman asked for clarification if Councilor Buettner wanted the formula to be based on square footage. Councilor Buettner stated linear footage.

Councilor Buettner's motion was seconded by Vice-President McInturff then unanimously approved by voice-vote.

Councilor Buettner moved to forward O-2013-14 to Council. The motion was seconded by Councilor Clark then unanimously approved by voice-vote.

3.13 O-2013-31: Creation of an Environmental Sustainability Taskforce

Assistant City Manager Doug Hewett presented a revised Chapter 30 of the City Code and stated it outlines the duties of the Environmental Sustainability Taskforce.

Mayor Minor moved to table O-2013-31 to the next work session. The motion was seconded by Councilor Buettner then unanimously approved by voice-vote.

4.0 Liaison Reports

Councilor Weber reported that at the request of a citizen, a bike rack has been installed at the south end of the walking mall and three more are under review.

5.0 Adjourn

Mayor Minor moved to adjourn the meeting at 8:50 p.m. *The motion was seconded by Councilor Buettner then unanimously approved by voice-vote.*