MINUTES OF THE COMMON COUNCIL
WORK SESSION
FEBRUARY 24, 2015
Council Chambers – Rouss City Hall

DRAFT

PRESENT: Councilor Evan Clark, John Hill and Corey Sullivan; Vice-President Milt McInturff; City Councilor Kevin McKannan and William Wiley; Mayor Elizabeth Minor; and Vice-Mayor Les Veach (8)
ABSENT: President John Willingham (1)

Vice-President McInturff called the meeting to order at 7:00 p.m.

Vice-President McInturff stated he would entertain a motion to add the discussion of a personnel matter to the closed session for tonight's executive session. *The motion was made by Councilor Wiley, seconded by Mayor Minor then unanimously approved 8/0.*

2.0 Public Comments:

Julius Jones, of 108 Sarvis Court in Stephens City, Virginia, spoke in support of the effort of the Parks and Recreation Department. He spoke on the background of the POW/MIA memorial at Parks and Recreation along with how the Park knows the importance of IT infrastructure and that the City recognizes it. He also spoke on the fact that the park gives the City great diversity and he would like to encourage Council to continue to provide full support to the Parks and Recreation activity because it is a unique and valuable resource to the City.

William Jeffrey Ketron, of 104 Blossom Drive of Winchester, Virginia, spoke on the importance of the sport of BMX. He spoke on the background he has with BMX and how important it is not only with his family but how much the sport can bring and has brought to Winchester.

Vice-President McInturff asked if there was anyone else wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:08 p.m.

3.0 Items for Discussion:

3.1 Presentation: Winchester Parks and Recreation Needs Assessment Findings and Recommendations Report, as Prompted by the City of Winchester's 2014 Strategic Plan

Parks and Recreation Director Jennifer Jones thanked City Council for funding the first ever Winchester Parks and Recreation Needs Assessment. She stated she would also like to recognize and thank those individuals in the audience who participated in the stake holder meetings and focus group interviews.

Mr. Art Thatcher, consultant from Green Play, presented a summary of the Needs Assessment. He stated when looking at strengths, Jim Barnett Park and its amenities always came up as number one in the focus groups and stake holder meetings. When asked what people considered essential services, parks and open space preservation and maintenance are on the top of the list nationally. The biggest pieces in Winchester were to maintain Jim Barnett Park and not lose any of the boundaries of that park, aquatics as well as athletics facilities, completion of the Green Circle Trail for connectivity, upgrading current buildings in the current facilities, and awareness and communication regarding the programs offered. From all the information received, four areas of focus were developed to include high quality recreation; financial stability; marketing, communication and communication engagement; and cultural diversity and community needs.

Councilor Sullivan asked if there are any master plans that exist in any form at all. Ms. Jones stated the park has had past master plans and the current master plan is from about five years ago.

There was a discussion about the master plan and if they are currently sticking to it. Ms. Jones stated they somewhat follow it and are going back to the drawing board.

Vice-President McInturff asked if this was done as a pre-requisite for the master plan. Ms. Jones stated yes. It is the front end of the master plan.

Councilor Wiley asked based off the past comprehensive plan if they are going to build off what was done in the past as a benchmark for part of this plan. Ms. Jones stated they have an old master plan from five years ago and they are going to take this needs assessment as the base for the new one.

Councilor Wiley asked for some more feedback compaing where the park was to where it is now. Ms. Jones stated most of the information that was revealed in the last master plan wasn't a sampling of our full community so it didn't give us a full view. It was just limited to the people who were already using those facilities.

Mr. Thatcher stated one of the things they see nationally as part of their master plans is doing a component-based inventory of those facilities and looking at the their level of service to get a picture of where the gaps in service may be. It's also helpful if the park is involved in natural disaster plans to help with reporting for FEMA.

Vice-Mayor Veach asked if the old survey from four or five years ago was compared to this one even though it was done by the users of the park. Mr. Thatcher stated they did get the results for the survey and they reviewed that as well as the past master plans. There are a lot of the same themes within the results of that past survey. He stated what is seen more out of this survey is the direction on parks, preservation and trails.

Vice-Mayor Veach asked about the high age bracket of 25-34 year olds and asked what he contributes that to. Mr. Thatcher said part of it could be the University and within this community there are a lot of amenities that are attractive to this age group.

There was a discussion about ethnicity, age data, from where the data cameand getting information out to citizens in general and in different languages. Councilor McKannan questioned the primary utilizers of services being 25-64 years old. Mr. Thatcher stated the chart is the demographic breakdown in Winchester compared to the state of Virginia.

Councilor Sullivan asked Ms. Jones to choose the project that was most needed out of the outdoor amphitheater, aquatics center, an additional recreation center, more trails or more bike trails. Ms. Jones stated as a director, listening to the user groups and knowing the groups that are maxed out, it would be aquatics. It is more of a need than a want.

Vice-President McInturff asked Mr. Thatcher how often, in his professional opinion, should master plans be updated and is the City of Winchester, more specifically the Winchester Parks and Recreation Department, legislatively or otherwise required to update the master plan every so often. Mr. Thatcher stated they are not required by law to update or have a master plan, but if there are sections that relate to Parks and Recreation that are in your comprehensive land use plan, that's where your legal responsibility comes in. As far as the shelf life of a Parks and Recreation Master Plan, eight to 10 years is typically the recommended shelf life. However, what they recommend is that it be annually updated and every eight to 10 years do a complete update and redo the needs assessment.

Vice-President McInturff asked, of the surveys that were sent out, are there statistics of what was sent out versus what was returned. Mr. Thatcher stated they had between six and seven% return which is a pretty good return these days for a survey.

Vice-President McInturff asked how facilities like Winchester, which is geographically located in a county, have managed pricing across the board, when the Parks and Recreation Department has a desire to take care of the citizens of Winchester first. Mr. Thatcher stated one of things would be resident and non-resident fees where the resident's fee is much lower than non-resident fees. Another thing would be involving the community and how you are going to price your programs and really look at the services in a general term. There's a consistency there in how the community values those services.

Councilor McKannan asked if there is any range of the community that is underserved that a better job could be done at serving. Mr. Thatcher stated he believes the city is making strides towards reaching out to the Hispanic population. After looking at the programming and the data he received, it does not look like there's big populations in the community that is being underserved.

3.2 Presentation: Presentation and Review of Request for Proposal for Professional Services of Developer to Assist the City of Winchester in Comprehensive Development of 200 & 214 N. Cameron Street

Councilor Wiley excused himself from the discussion due to a conflict of interest.

City Manager Eden Freeman stated this is to draft a Request for Proposal (RFP) for the solicitation of services of a development team to work with the City on the re-development of the Winchester Towers property. In September, Council approved the acquisition of the property formally known as the Winchester Towers. At that time, the acquisition was based upon a direction in the 2013-2014 Strategic Plan for the development of a conference center/event center strategy. Working with a consultant advisory group, it was determined that one of the best locations for this was the Winchester Towers. When that piece of property became available for purchase, Council authorized the acquisition but at that time asked that staff solicit input from the public into the desire and ultimate end use of that property. Two public information open houses were held, one on November 19th and one on December 3rd, where the same information was presented and attendees were allowed and encouraged to voice their thoughts on the use of that property. The results from these meetings are listed in the packet provided to Council. Based on guidance from Council, this RFP has been drafted to solicit the services for either a conference/event center or any other use that a development team would believe would be in the best interest of that property. We are encouraging creative proposals to be submitted and are not limiting it strictly to a conference/event center based on the conversation at the Council meeting when the acquisition was approved. The proposed timeline to follow was released Thursday as a draft on the City's website, so it is available for comment. Staff is not planning to release this to the public for comment until after the first meeting in March so if Council has any feedback on this, before it is released to the public for comment, let staff know. The City will be holding a pre-proposal conference so that interested parties from the industry can come and voice their comments on this RFP as a draft and then bid will be solicited through April 17th. Written questions can be submitted online and the responses will be published by May 1st. The final RFP will be issued on May 10th. As part of the pre-proposal conference, the City will also have an open house for the property for those who want to look at the property. The remainder of the dates are a little vague and that's to allow time for staff to work with the bidders to make sure the selection made is in the best interest of the City. Ms. Freeman reiterated this is a draft that is coming forward tonight.

Councilor Sullivan asked if Ms. Freeman could elaborate a little bit on the proposal review process. Ms. Freeman stated currently staff is planning to have an in-house team review the applications and then invite and select bidders for interviews once they get over the first threshold.

Councilor Sullivan asked if staff would present the final proposal to Council. Ms. Freeman stated a final recommendation would be presented. Ultimately, the selection of who would be the developer partner does reside with Council but staff will bring forward a recommendation outlining all of the proposals received and the evaluation of those proposals. Based on comments that she is hearing she believes there is a significant amount of interest in this proposal and believes there will be multiple requests to choose from.

There was a brief discussion about having a member of Council on the selection committee. City Attorney Anthony Williams stated it could be problematic to have a member of Council on the selection committee because it's going to be the recommendation from staff.

Vice-Mayor Veach asked when he looks at this project in comparison to the Taylor Hotel they seem to have drastically taken two different paths. He is confused how the City got down this path that it is in. He stated he would like this to go through the Economic Development Authority.

Vice-President McInturff stated he wasn't sure if he could answer any of those questions, other than the fact that the discussion of the event center was kind of left open-ended. He asked to confirm that he heard this wasn't necessarily molded around an event center, but instead just an RFP. Ms. Freeman said it is whatever the development team believes would be the highest and best use of that parcel.

A discussion was held regarding use of the property and why the Economic Development Authority isn't running this. Ms. Freeman stated unless she misunderstood what Council wanted when the acquisition occurred, the direction at the time was to have this run as a separate public-private partnership and not where the City would go out and try to pick just one vendor. She stated she could certainly discuss it with the EDA to see if they would be willing to follow it if that's what Council would desire.

Vice-President McInturff stated he thought it was a general consensus for us to do this in-house.

Councilor Clark agreed and stated that's what he remembers. He stated Ms. Freeman has experience doing this before. Ms. Freeman stated to be candid she doesn't know if the EDA is familiar with an RFP process.

There was a discussion about this RFP being very generic and the proposals for the use of the property and the direction of this RFP.

City Attorney Anthony Williams stated it is a balancing act and when you put out an RFP, it has to be sufficiently specific to enable the group that is doing the evaluation. For example, bonding requirements, there is no way the City can put bonding requirements in unless there's something to attach those bonding requirements to. He stated he understands the need to make it more general, if that's Council's desire, but unless it is said this is the general plan of what the

City is trying to build, it's impossible for the purchasing agent to formulate an RFP to solicit bidders because the bidders don't know what they are bidding on and the City does not know what the requirements are. It has to have requirements; it has to have an objective and requirements built in in order for someone to submit a bid. It is a real tough balancing act. He stated he would recommend having tweaks, that if Council chooses to move it forward, be minor and calculated to be specific with regards to what Council wants.

Vice-President McInturff said he agrees with Mr. Williams and that rather than let someone else determine what to do, Council decides what to do.

Councilor Clark stated this RFP is just that, it's a request for proposal and that it talks about mixed-use right in the proposal. He believes that Ms. Freeman has presented a good document that allows the developer to give the City a proposal on how they would envision using the space and how the City could benefit from the highest and best use of the space. He stated he is curious to see what kind of creativity the developers would come back with. He thinks this type of RFP gives the City that kind of flexibility to where it can see some creativity for what the developers feels the market is going to support because if they are investing their money, they are going to be frugal.

Councilor Sullivan stated he sees what Vice-Mayor Veach is saying that if you read the proposal it does lean a little bit toward an event center being a priority. He stated he would modify the document a little bit. He fully agrees with what Councilor Clark said that the intent is to best propose what the market needs.

Ms. Freeman stated she can adjust the timeline to suite Council and enhance the language regarding mixeduse.

3.3 O-2015-05: AN ORDINANCE TO AMEND THE WINCHESTER CITY CODE REGARDING LOCAL MEALS AND ADMISSION EXCISE TAXES

Commissioner of the Revenue Ann Burkholder presented the proposal to amend the excise taxes for meals and admissions. She stated the most substantial changes are in regards to the taxation of local nonprofit organizations. Historically the City has not assessed these taxes so there could be some interpretation of practice not being in line with City Code so therefore she has brought recommendations for Council's consideration. Under Article 6, Section 27-81(h) regarding meals tax exemptions, the proposed change reads "meals sold by volunteer fire departments and rescue squads; nonprofit churches or other religious bodies; or educational, charitable, fraternal or benevolent organizations; the first three times per calendar year and, beginning with the fourth time, on the first $100,00 of gross receipts per calendar year from sales of meals (excluding gross receipts from the first three times), as a fundraising activity." This mirrors the new update in State Code that is specifically in regards to meals taxes. She stated in Article 14, regarding the admissions tax, there is a similar provision under Section 27-183(b)(4) exemption for certain events, which is "admissions charged for attendance at events sponsored by a tax-exempt, nonprofit organization, classified by the

United States internal revenue code as a 501c organization provided that the purpose of the event is solely to raise money for this stated mission of that organization." As Council heard in the earlier presentation, Winchester is a very active community in terms of recreation but it is also extraordinarily active in terms of the volunteer organizations. She stated it is her recommendation that Council adopt this.

Councilor McKannan asked if these are now more in line with what the State says. Ms. Burkholder stated for the meals tax, yes. It is something that is in State Code and it would then be mandatory that the City adopts it because State Code does supersede City Code.

Councilor McKannan asked in the admissions, Section 27-24, when it talks about the Commissioner having the power to adopt rules and regulations not being consistent, how are these rules specifically a problem. Ms. Burkholder stated these are to be consistent with the other excise tax sections and it helps in terms of fair reporting. The Commissioner adopts procedures when they are non-codified, those sorts of things are required to be made publicly available and usually are presented in a packet to new businesses to have that information available for them to show them how they are to report items.

A brief discussion was held referencing a Council meeting held last January in regards to what is needed to be brought before Council.

Vice-Mayor Veach moved to forward O-2015-05 to Council. *The motion was seconded by Councilor Hill then unanimously approved 8/0.*

3.4O-2015-06: AN ORDINANCE TO AMEND AND REENACT SECTION 18-8-7 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO FREESTANDING AND BUILDING MOUNTED SIGNS PERMITTED IN THE RO-1 DISTRICT. TA-14-770

Director of Zoning and Inspections Aaron Grisdale presented the privately sponsored zoning ordinance text amendment to modify permanent signage options in the Residential Office (RO-1) District. He stated the applicant is proposing to increase the sign allowance for properties that have obtained a conditional use permit for larger building footprints within the Corridor Enhancement District standards. The applicant believes larger buildings should have a more proportional signage allowance. The proposal is to allow for a more proportional allegation similar to that in some other districts based on square foot per linear foot of building frontage, up to a maximum of 50 square feet. Additionally, on the free standing sign portion, presently it's a maximum of one sign and twenty-five square feet and the proposal is to increase that to a maximum of fifty square feet and that can be obtained one of two ways, either one fifty square foot sign or two twenty-five foot square signs. Presently, a majority of the potentially impacted properties are along the Amherst Street corridor. A majority of those have the existing corridor enhancement district overlays so those existing provisions would not change in terms of the design, style and orientation of the signs. The proposal received a

unanimous, favorable recommendation from the Planning Commission and staff believes it is consistent with the City Strategic Plan.

Councilor McKannan asked what percentage of the buildings fall under this and how many buildings will this affect. Mr. Grisdale stated presently there is only one building that has obtained a conditional use permit and that's the new medical office building near the Sacred Heart Church near the medical center.

Councilor Clark asked if they are mainly concerned with the building mounted signs or the free standing signs or a mixture of both. Mr. Grisdale stated it was his understanding that it was both

Vice-Mayor Veach moved to forward O-2015-06 to Council. *The motion was seconded by Mayor Minor then unanimously approved 8/0.*

3.5 R-2015-08: Resolution that approves of the City Manager's execution of a lease between the City of Winchester and Branch Banking and Trust for Professional Office Space

City Manager Eden Freeman stated there are four new judges joining the judicial offices here in Winchester and as such there is not sufficient court room space for the new judges. In order to accommodate the required renovations of the Joint Judicial Center, the City's Commonwealth's Attorney office as well as the Juvenile and Domestic Relations Support Services office must be relocated. Council passed a resolution authorizing up to two million dollars for the renovation of the Joint Judicial Center. However, the City had to issue an Request for Proposal (RFP) to solicit an appropriate office space for the Commonwealth's Attorney as well as the Juvenile and Domestic Relations Support Services offices. Staff has determined BB&T was the most appropriate respondent to the RFP for the property immediately adjacent to City Hall. The annual rent for the property would be $262,040.96. BB&T has agreed to provide the City a credit for the first four months, if not six months, so staff can go ahead and move into the space as soon as the lease is executed. Ms. Freeman stated that since Juvenile and Domestic Relations Support Services is a joint service to the county, the county will be covering 50% of the office space and will reimburse the City $50,630.

Vice-President McInturff asked if there will be an increase after the five-year lease is up. Ms. Freeman stated there is an increase that will commence after the first five years and it is renewable for an additional two periods at five years each. However, there is termination language, such that if the City needed to relocate it could be done without a penalty.

Councilor Clark moved to forward R-2015-08 to Council. *The motion was seconded by Councilor Wiley then unanimously approved 8/0.*

4.0 Executive Session

4.1 MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY.

Mayor Minor moved to convene into executive session at 8:34 p.m. *The motion was seconded by Councilor Wiley then approved 8/0.*

Councilor Sullivan moved to reconvene in open session at 9:51 p.m. *The motion was seconded by Vice-Mayor Veach then approved 8/0.*

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

A roll call vote was taken, the ayes and nays being recorded as shown below:

MEMBER	VOTE
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Councilor McKannan	Aye
Mayor Minor	Aye
Councilor Sullivan	Aye
Vice-Mayor Veach	Aye
Councilor Wiley	Aye
President Willingham	Absent

5.0 Monthly Reports

5.1 Fire & Rescue Department
5.2 Police Department

6.0 Adjournment

Mayor Minor moved to adjourn the meeting at 9:52 p.m. *The motion was seconded by Vice-President McInturff then unanimously approved 8/0.*