

**MINUTES OF THE COMMON COUNCIL  
IN REGULAR SESSION  
February 12, 2013**

**DRAFT**

A regular session of the Winchester Common Council was held on Tuesday, February 12, 2013 in the Council Chambers, Rouss City Hall. President John Willingham called the meeting to order at 7:00 p.m.

**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)

**INVOCATION** – The Reverend Doctor Kitty Hahn-Campenella of Highland Memorial Presbyterian Church delivered the invocation.

**PLEDGE OF ALLEGIANCE** – Mayor Minor led the citizens and councilors in the Pledge of Allegiance.

**APPROVAL OF MINUTES –**

Motion to approve the January 8, 2013 Regular Meeting and January 8, 2013 Special Work Session minutes as presented

Mayor Minor moved to approve the minutes as presented. *The motion was seconded by Vice-Mayor Veach then unanimously approved by voice-vote.*

**MOTION TO AMEND THE OCTOBER 9, 2012 ADOPTED MINUTES OF COMMON COUNCIL DUE TO A CLERICAL ERROR REGARDING THE PROPOSED APPOINTMENTS TO THE FREDERICK WINCHESTER SERVICE AUTHORITY:** The minutes reflect “Vice-President Willingham moved to approve the appointments of Randy Moulton and Les Veach to the Frederick-Winchester Service Authority”. After review of the audio recording, by the Deputy Clerk of Council, it was found the minutes should be corrected to read “**Vice-President Willingham moved to table the appointments of Randy Moulton and Les Veach to the Frederick-Winchester Service Authority.**” The Clerk requests a motion to correct and amend the October 9, 2012 regular meeting minutes as described.

Vice-President McInturff moved to amend the October 9, 2012 minutes as requested. *The motion was seconded by Councilor Weber then unanimously approved by voice-vote.*

## **REPORT OF THE MAYOR**

Mayor Minor stated she did not have a report to present.

## **REPORT OF THE CITY MANAGER**

City Manager Dale Iman stated he is moving forward with the budget hearings with the department heads. There are a lot of challenges on the general fund in particular this year. He will begin to bring forward budget issues for discussion with Council at the February 26<sup>th</sup> Work Session.

## **REPORT OF THE CITY ATTORNEY**

City Attorney Anthony Williams stated he did not have a report to present.

### **1.0 PUBLIC HEARINGS**

#### **1.1 O-2012-38: Second Reading – AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY OWNED BY THE CITY OF WINCHESTER LOCATED AT 119-129 NORTH LOUDOUN STREET, WINCHESTER, VIRGINIA (TAYLOR HOTEL)**

*No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:04 p.m.*

*Vice-Mayor Veach moved to adopt O-2012-38. The motion was seconded by Mayor Minor then adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:*

<u><b>MEMBER</b></u>	<u><b>VOTE</b></u>
Councilor Buettner	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Vice-Mayor Veach	Aye
Councilor Weber	Aye
President Willingham	Abstain

#### **1.2 CU-12-597: Conditional Use Permit – Request of Shenandoah Personal Communications, LLC for a conditional use permit for a telecommunications facility at 119-129 North Loudoun Street (Map Number 173-01-F-26) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay**

Lynn Turner, representative of Shenandoah Personal Communications, stated this is an important site to have good quality signal in the downtown area.

The proposal is to place the antennas on the fly tower with the equipment on the ground and all wiring on the inside. It will not create any visual issues.

*No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:06 p.m.*

Mayor Minor moved to approve CU-12-597. *The motion was seconded by Vice-President McInturff then unanimously approved by voice-vote.*

**1.3 CU-12-556: Conditional Use Permit – Request of Emad Khezam dba Alibaba Hookah Bar for a conditional use permit for nightclub use and to modify conditions of an existing conditional use permit for hookah establishment use at 932 Berryville Avenue (Map Number 176-07-3) zoned Highway Commercial (B-2) District.**

Daisy Myersan a resident of Winchester stated the Alibaba Hookah Bar is basically a second home to her and a lot of the customers that have become family. In the past, they have been denied the conditional use. They have a lot of people that come in that would really like two more hours a night for live bands and more entertainment. She calls it her little hide out. She works for one of FEMA's contractors and gets deployed. When she comes back, she leaves her bags at home and the hookah bar is the first place she stops. It is such a relaxing place. She has met some of her best friends there since moving to Winchester three years ago. It really has become a second home and she would like to see it prosper. She would like to see it become an even better place for other people in Winchester. For a lot of customers, it is a second home. She doesn't think they are asking for too much and would be incredibly grateful if the conditional use permit were to be approved.

Jamie Strawderman of 254 Gun Club Road in Stephenson, Virginia, stated he is an employee of Alibaba Hookah Bar. In working there and being there every day, he notices different things than a customer would. One of the things he has noticed is how much of a family it is there. Everyone that comes in is so nice to everyone else. You might not even know the person before talking to them but you become friends. Like Daisy, it is his second home. He could go there anytime he wants and feel right at home with family. He feels that having this permit will give them a little bit more entertainment. Customers come in and get bored so it would be nice to have more entertainment in the place.

Renaldo Villeda of 1205 Baker Lane stated he has been going to the Alibaba Hookah Bar since its opening in 2011 and it has become a second home for him as well. He has kept in contact with every single friend he has met there. It is a great place to keep up the social aspect of your life. You don't have to go there to smoke a hookah. You can go there to have a drink and talk. You can play your own music through the computer stations but it would be nice to have a DJ or a band for live entertainment. A lot of people come in and ask but we have to tell them no unless we have a night club permit. He would like to see this happen to help the place prosper a bit more. It would bring in customers that want to listen to the bands or DJ's. It would be good

to have a dance area for those in the ages of 18 and 21 that can't go to the nightclubs. He works two jobs and likes to go there to relax, to smoke and to have a little fun. He would definitely like to see the conditional use permit granted to the Alibaba Hookah Bar.

Emad Khezam of 9536 Justin Lane in Manassas, Virginia, asked Council to please be fair with them. He stated the Alibaba Hookah Bar, as promised, will be under good management, follow the rules, and respect the laws.

*No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:13 p.m.*

Councilor Tagnesi moved to approve CU-12-556. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

## **2.0 PUBLIC COMMENTS**

*No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:14 p.m.*

## **3.0 CONSENT AGENDA**

**3.1 O-2013-02:** First Reading – AN ORDINANCE TO INCREASE THE SALARIES OF THE MAYOR OF THE CITY OF WINCHESTER AND THE MEMBERS OF THE COMMON COUNCIL FOR THE CITY OF WINCHESTER

**3.2 R-2013-04:** Resolution - Consent to refunding of bonds and issuance of new monies by the Northwestern Regional Jail Authority

**3.3** Motion to appoint City Manager Dale Iman as a member of the Northwestern Regional Jail Authority

**3.4** Motion to re-appoint Art Major and Richard Helm as members of the Frederick Winchester Service Authority for a three (3) year term commencing February 12, 2013 and ending on February 12, 2016

Vice-Mayor Veach moved to approve the Consent Agenda. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

## **4.0 AGENDA**

**4.1** Motion to implement the recommendations outlined in the December 21, 2012 memorandum regarding Council Appointed Boards and Commissions

Vice-President McInturff moved to implement the recommendations regarding the Council Appointed Boards and Commissions. The motion was seconded by Vice-Mayor Veach.

President Willingham stated Council appointed Vice-President McInturff, Tony Williams, the City Manager and himself to review the Board and Commissions to see how the activities could be more streamlined, how to better enhance the opportunities for the citizens and how to set ground rules for everybody. In hindsight, they skipped over the important step of engaging some of the members of the Board and Commissions that were affected by the recommendation. He stated that he has spoken with every existing member of the Tree Commission and the NRAB about the recommendation and apologized for not engaging them sooner. President Willingham asked Vice-President McInturff, Dale Iman, T'ai Roulston and potentially Krista Farris to figure out how to put the Tree Commission duties underneath the Park Board.

Councilor Buettner asked if Council will see new ordinances before this is implemented. Mr. Williams stated this would be viewed as a direction from Council to implement the changes in the code.

Councilor Buettner moved to table the implementation until the recommendations from this group are received. *The motion was seconded by Vice-Mayor Veach then unanimously approved by voice-vote.*

- 4.2** Motion to appoint Dave Shore as a member of the Planning Commission to fill a temporary vacancy from February 1, 2013 to June 30, 2013

Mayor Minor moved to approve the appointment of Mr. Shore. *The motion was seconded by Vice-President McInturff then unanimously approved by voice-vote.*

- 4.3** Announce the term expiration of Don Crigler as a member of the Board of Architectural Review effective April 30, 2013 and direct the Clerk of Council to advertise the vacancy. Mr. Crigler is eligible for re-appointment.
- 4.4** Announce the term expirations of Catherine Mattens and John Bentley as members of the Parks and Recreation Board effective April 30, 2013 and direct the Clerk of Council to advertise the vacancies. Ms. Mattens and Mr. Bentley are eligible for re-appointment.
- 4.5** Announce the resignation of Brian Hester as a member of the Board of Zoning Appeals effective April 1, 2013, and direct the Clerk of Council to advertise the vacancy.

## **5.0 EXECUTIVE SESSION**

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

**CONSULTATION OR BRIEFING IN OPEN MEETING WOULD ADVERSELY AFFECT THE NEGOTIATING OR LITIGATING POSTURE OF THE PUBLIC BODY.**

Vice-President McInturff moved to convene into executive session at 7:24 p.m. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

Councilor Weber moved to reconvene in open session at 8:02 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously approved by voice-vote.*

On a motion by Vice-President McInturff, seconded by Mayor Minor, 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 Buettner	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Aye
John Tagnesi	Aye
Vice-Mayor Veach	Aye
Councilor Weber	Aye
President Willingham	Aye

## **6.0 ADJOURNMENT**

Mayor Minor moved to adjourn the meeting at 8:03 p.m. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

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Kari J. Van Diest, CMC  
Deputy Clerk of the Common Council