

**MINUTES OF THE COMMON COUNCIL  
WORK SESSION  
March 26, 2013  
City Council Chambers – Rouss City Hall**

**PRESENT:** Councilor Jeff Buettner, Evan Clark and John Tagnesi; Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (7)  
**ABSENT:** Councilor John Hill and Ben Weber (2)

**1.0** President Willingham opened the meeting at 6:01 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.)

*No citizens came forward to address Council and the President declared the public comment period closed at 6:01 p.m.*

**3.0 Items for Discussion:**

**3.1** Annual Report Presentation

Marketing Coordinator Amy Simmons presented the 2012 City of Winchester Annual Report. She stated there will be some copies available in print as well as posted on the city's website. Next year's copy will include the why and how along with what was accomplished.

**Councilor Weber arrived at 6:04 p.m.**

**3.2** Proposed MOUs for the JJC and CVB funding and termination of shared funding for the Museums as recommended by the Joint Finance Committee

Finance Director Mary Blowe presented the proposed MOUs discussed at the last Joint Finance Committee meeting. She stated this solidifies the financing agreements currently in practice for the JJC and the CVB. The MOU for the museums basically says each locality will finance their own museums. There are no operating changes in the MOUs. The County has already adopted the MOUs.

Councilor Weber moved to forward the MOUs to Council. *The motion was seconded by Councilor Clark then approved 8/0.*

**3.3 R-2013-21:** Resolution – Approval of Consolidated and Annual Action Plan

Grants Coordinator & Project Specialist Tyler Schenck presented the Consolidated and Annual Action Plan for the HOME funds for approval.

Councilor Clark asked what the last year of the CDBG allocation to the Taylor Hotel is. Mr. Schenck stated that depends on the allocation received this year. It will hopefully be 2018. City Manager Dale Iman added the Council committed up to 6 years but the goal is to do it in 5 years if the funding stays the same as today.

Vice-Mayor Veach moved to forward R-2013-21 to Council. *The motion was seconded by Mayor Minor then approved 8/0.*

**3.4 R-2013-20:** Resolution – Approval to reimburse expenditures with proceeds of a borrowing

Finance Director Mary Blowe stated at the last meeting the possibility of bonding \$1.6 million for the communications project was discussed. This resolution would be in preparation for that funding.

Vice-President McInturff moved to forward R-2013-20 to Council. *The motion was seconded by Vice-Mayor Veach then approved 8/0.*

**3.5 R-2013-17:** Resolution – Approval to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the Winchester Transit

Utilities Director Perry Eisenach stated the city receives a significant amount of Federal and State funding for Transit but we are required to adopt a resolution each year to do this.

Councilor Clark moved to forward R-2013-17 and R-2013-22 to Council. *The motion was seconded by Mayor Minor then approved 8/0.*

**3.6 R-2013-22:** Resolution – Approval to execute and file an application to the Virginia Department of Rail and Public Transportation for a grant of financial assistance

*Approved to send forward in the previous action.*

**3.7 R-2013-18:** Resolution – Authorization to submit an application for up to \$10,000 in recycling grant funds through the Virginia Department of Environmental Quality

Utilities Director Perry Eisenach presented the request to apply for grant funding in the amount of \$10,000 to purchase recycling bins.

Councilor Clark moved to forward R-2013-18 to Council. *The motion was seconded by Vice-Mayor Veach then approved 8/0.*

**3.8 R-2013-19:** Resolution – Approval of the revised Winchester Transit Title VI Program

Utilities Director Perry Eisenach stated every entity is required to have a Title VI program that says it will not discriminate in the transit operation. This program must be reapproved every 3 years and be updated with any federal changes.

Councilor Clark moved to forward R-2013-19 to Council. *The motion was seconded by Vice-Mayor Veach then approved 8/0.*

**3.9 CU-13-85:** Conditional Use Permit - Request of Glaize Properties for conversion of ground floor nonresidential use to residential use at 110 East Fairfax Lane (*Map Number 173-01-S-1*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay.

Planning Director Tim Youmans presented the Conditional Use request to convert a ground floor non-residential use to residential. He stated the main concern with the proposal was a ground floor bedroom however it is not on a major commercial street. The Planning Commission recommended approval as submitted.

Councilor Weber moved to forward CU-13-85 to Council. *The motion was seconded by Councilor Clark then approved 8/0.*

**3.10 Racey Meadows Rezoning Update (O-2013-07)**

Planning Director Tim Youmans presented the updated proffers dated March 20, 2013. He stated State law allows the applicant to update the proffers until the public hearing. The Planning Commission acted on a split vote based on the February 18, 2013 proffer statement. The Planning Commission has not seen this new statement. However, some of the concern from the Planning Commission was in regards to the 3 bedroom units. The applicant has taken the 18 three bedroom units and turned them into 2 bedroom units of which some will include a study. Mr. Youmans reviewed the changes made in the resolution to reflect the changes in the March 20, 2013 proffer. He also pointed out

a letter received from Jason Largent, the nephew of the applicant, encouraging Council to move forward on this proposal.

President Willingham asked if there is an addition presentation. Mr. Youmans stated the applicant has asked to address Council but there have been no changes in the development plan.

Phil Hammer, Vice President of Patz & Associates, presented the findings of a city wide economic strategy study done last year that showed market rate apartments were in short supply in Winchester. He stated this proposal fits what this study shows is needed. A following impact study showed what impacts the Racey Meadows complex would have with 133 units. The report from the study will spell out each revenue source, each cost to the city, and the net positive fiscal benefit to the city.

Councilor Clark asked how big the studies are and will they be allowed to be used as a bedroom. Robert Cocker, Manager of Valley View Management LLC, stated the studies will be 110-120 square feet. Studies are not allowed to be used as a bedroom if there is not a smoke alarm and a window. There is also a limit to the number of occupants according to the Fire Chief. Councilor Clark asked if there is anything that would prevent someone from using it as bedroom. Mr. Cocker stated he could not answer that.

Mr. Youmans stated the applicant would not be able to market these properties as a 3 bedroom unit.

President Willingham stated he is still concerned about the different catalyst sites in the Strategic Plan. Based on the report done by this agency he asked if this were approved, what it would do to our community if someone wanted to develop another site. Mr. Hammer stated it is a competitive situation of first come first serve in any market so it would impact it but the market demands market rate units which are in short supply. He did not have the numbers projected in the study to provide.

President Willingham asked if we fill this demand, how long would it take to rebound generally before a developer would want to develop another site. Mr. Hammer stated it would be several years before it would create more demand. However, new properties often create more demand in the market.

Councilor Tagnesi stated the applicant has been very cooperative to the neighbors in redesigning the entrance and has mitigated the concern to the schools.

Vice-Mayor Veach asked what the definition of market rate units is. Mr. Hammer stated it is rents without subsidies to the developer.

President Willingham asked who the target market will be. Mr. Cocker stated they will be looking for the young professional who does not have enough equity base to buy a house on their own or the empty nesters or retirees that don't want the cost of maintaining a condo or townhome. They would also get graduate or under graduate students from Shenandoah University.

#### **4.0 Liaison Reports**

Vice-Mayor Veach stated the School Finance Committee met this week to work on the budget and to look at if they can do the pay raises. The Ad Hoc Committee meets next Tuesday at 6:30 p.m.

#### **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 THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION AND PURSUANT TO §2.2-3711(A)(1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION PERTAINING TO THE SUBJECT OF APPOINTMENT OF SPECIFIC PUBLIC OFFICERS AND APPOINTEES INCLUDING THE APPOINTMENT OF OR PROSPECTIVE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS BY COMMON COUNCIL.

Vice-Mayor Veach moved to convene into executive session at 6:50 p.m. *The motion was seconded by Councilor Buettner then approved 8/o.*

Vice-President McInturff moved to re-convene in open session at 8:10 p.m. The motion was seconded by Councilor Weber then approved 8/o.

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:*

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

President Willingham asked for a motion to amend the agenda to add a motion to re-appoint Mayor Elizabeth Minor as a member of the Northwestern Regional Jail Authority for a four year term and to add a motion to forward the following Board and Commission positions: 3 appointments to the Social Services Advisory Board, 2 appointments to the Parks & Rec Board, 2 appointments to the Old Town Development Board, 1 appointment to the Planning Commission, 1 appointment to the Northwestern Community Services Board, 1 re-appointment to the Board of Architectural Review, and 2 re-appointments to the School Board. *The motion was made by Councilor Weber, seconded by Councilor Buettner, then approved 8/0.*

Vice-President McInturff moved to forward the reappointment of Mayor Minor as a member of the Northwestern Regional Jail Authority to Council. *The motion was seconded by Councilor Tagnesi then approved 8/0.*

Vice-President McInturff moved to forward the appointments/re-appointments to the Board and Commissions to Council. *The motion was seconded by Councilor Clark then approved 8/0.*

## **6.0 Monthly Reports**

### **6.1 Finance Department**

## **7.0 Adjourn**

Councilor Clark moved to adjourn the meeting at 8:12 p.m. *The motion was seconded by Mayor Minor then approved 8/0.*