

**MINUTES OF THE COMMON COUNCIL  
IN REGULAR SESSION  
January 11, 2011**

A regular session of the Winchester Common Council was held on Tuesday, January 11, 2011 in the Council Chambers, Rouss City Hall. President Jeffrey Buettner called the meeting to order at 7:00 p.m.

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

**ABSENT:** None (0)

**MOMENT OF SILENCE** – President Buettner led the citizens and councilors in a Moment of Silence.

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

**APPROVAL OF MINUTES** – November 23, 2010 Work Session, December 8, 2010 Special Meeting, December 14, 2010 Regular Meeting, December 28, 2010 Work Session, and December 28, 2010 Special Meeting

Councilor Willingham moved to approve the minutes. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

**REPORT OF THE MAYOR**

**R-2011-01:** Resolution – Honoring Virginia Martin

Mayor Minor read the resolution in Ms. Martin's absence.

**R-2011-02:** Resolution – Honoring Master Police Officer Stephen Lewis

Mayor Minor presented Mr. Lewis with the resolution honoring his retirement.

Councilor Clark moved to approve R-2011-01 and R-2011-02. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

Vice-President Major moved to add the Winchester Medical Center Definitive Agreement to the agenda. *The motion was seconded by Councilor Veach then approved 7/0 with Councilors Tagnesi and Willingham abstaining.*

Mayor Minor presented her Annual Report for 2010. (Attached to the minutes)

**REPORT OF THE CITY MANAGER**

Mr. James O'Connor stated he did not have a report and reminded Council about the retreat scheduled for January 22<sup>nd</sup> in the training room at the Winchester Public Schools Administration building.

**REPORT OF THE CITY ATTORNEY**

Mr. Anthony Williams stated he did not have a report.

Vice-President Major moved to authorize the City Manager to execute the Winchester Medical Center Definitive Agreement. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

**Motion** to remove O-2010-61 pertaining to Secondhand Precious Metals or Gem Dealers from the table

Vice-President Major moved to remove O-2010-61 from the table. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

**O-2010-61:** Second Reading – AN ORDINANCE TO ADD SECTION 16-33 TO THE WINCHESTER CITY CODE PERTAINING TO SECONDHAND PRECIOUS METAL OR GEM DEALERS RECORDING OF PROPERTY AND REPORTING TO POLICE **(Public Hearing held December 14, 2010)**

Vice-President Major moved to adopt O-2010-61. The motion was seconded by Councilor Hill.

Councilor Veach moved to amend the ordinance in accordance to the revised draft that reflects the revisions requested by Council at the December 14, 2010 meeting. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

*The amended ordinance was 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:*

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

**Motion** to remove O-2010-63 regarding Wellness & Fitness Centers and Recreational Facilities from the table

Vice-President Major moved to remove O-2010-63 from the table. *The motion was seconded by Mayor Minor then approved 7/0 with Councilors Tagnesi and Willingham abstaining.*

**O-2010-63:** Second Reading – AN ORDINANCE TO AMEND AND RE-ENACT ARTICLES 1 AND 15.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS AND USE PROVISIONS FOR WELLNESS & FITNESS CENTERS AND RECREATIONAL FACILITIES (**Public Hearing held December 14, 2010**)

Councilor Major moved to adopt O-2010-63. *The motion was seconded by Councilor Clark 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>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Abstain
Councilor Veach	Aye
Councilor Willingham	Abstain
President Buettner	Aye

**Motion** to remove CU-10-590 pertaining to Personal Service and Retail Use at 401 Campus Boulevard from the table

Mayor Minor moved to remove CU-10-590 from the table. *The motion was seconded by Councilor Hill then approved 7/0 with Councilors Tagnesi and Willingham abstaining.*

**CU-10-590:** Conditional Use Permit - Request of Winchester Medical Center for a conditional use permit for personal service and retail use at 401 Campus Boulevard (*Map Number 149-03-1*) zoned Medical Center (MC) District. (**Public Hearing held December 14, 2010**)

Councilor Veach moved to approve CU-10-590. *The motion was seconded by Councilor Clark then approved 7/0 with Councilors Tagnesi and Willingham abstaining.*

#### **PUBLIC HEARINGS**

**O-2010-69:** Second Reading - AN ORDINANCE TO REZONE 0.056 ACRES OF LAND AT 210 BAKER STREET (*Map Number 174-1-F-6*) FROM RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO RB-1 DISTRICT AND TO REZONE 0.051 ACRES OF LAND AT 211-213 BAKER STREET (*Map Number 174-1-G-13*) FROM LIMITED HIGH DENSITY

RESIDENTIAL (HR-1) DISTRICT WITH HW DISTRICT OVERLAY TO HR-1  
DISTRICT RZ-10-601

*No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:21 p.m.*

Councilor Willingham moved to adopt O-2010-69. *The motion was seconded by Councilor Hill 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>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Aye

**O-2010-71:** Second Reading – AN ORDINANCE TO DENY THE APPLICATION OF WINCHESTER MEDICAL CENTER FOR TAX EXEMPT STATUS BY CHARITABLE ORGANIZATION PURSUANT TO 27-33 OF THE WINCHESTER CITY CODE

Thomas Robb of Winchester stated he is in favor of denying the application for exemption. There is a claim to exemption based on the idea the hospital is a charitable organization from what he understands and has read. All the business of the Winchester Medical Center and Valley Health is not charity in his opinion. He asked what standard of charity does Council give exemption to and has it been established. Some charities have been given the exemption and some have not in the city. City Council is elected to serve the citizens of the city. The Commissioner of Revenue is also elected to serve the city and its people. He thinks the two offices and organizations should work together. The Commissioner of Revenue has established through her study an examination of fair and application of tax laws through reports and he understands there are tax bills ready to go. He thinks the City Council and the Commissioner of Revenue need to work together and follow her lead. He asked what level of charity the hospital would have to provide in order to replace what their fair share of taxes would be in order for Council to grant the tax exemption.

*No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:24 p.m.*

Vice-Mayor McInturff moved to adopt O-2010-71. The motion was seconded by Vice-President Major.

Vice-President Major moved to amend the ordinance to approve the application by Winchester Medical Center for tax exempt status. *The motion was seconded by Mayor Minor then approved 7/0 with Councilors Tagnesi and Willingham abstaining.*

*The amended ordinance was 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:*

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

President Buettner stated the Definitive Agreement was executed. What Council recognizes with this vote is Winchester Medical Center's tax exemption status. What the Definitive Agreement recognizes is the City provides services to the Winchester Medical Center and they have agreed to pay a payment in lieu of taxes in recognition of those services. He thanked everyone who worked on the agreement. He stated it was a complicated document with a lot of moving parts. He thanked the Commissioner for getting the ball started on this, the members of Valley Health Systems and Winchester Medical Center, staff and Council that were involved. There was a lot of time and energy put into this document and he feels it is a good document for both parties.

Mark Merrill, CEO of Valley Health Systems, thanked Council for their vote and for their deliberative work over the last six months in regards to Valley Health and Winchester Medical Center with the tax exempt request. He stated their roots in this community run deep. Winchester Medical Center is a 100 year old organization that has provided a significant benefit to this city and they recognize the great relationship they have had with the city. Winchester Medical Center, Valley Health and City Council have a shared responsibility to this community. The responsibility is to take the resources we are entrusted with to make this a better community for the citizens of this region, for the citizens of Winchester, and for the citizens of Northern Shenandoah Valley. As a not-for-profit health organization, we are owned by the community which means proceeds of our work are reinvested in this community and we are proud of what we do here. Our responsibility extends beyond sick care. It includes community health, education, wellness, outreach, and more. We recognize that Council has a very difficult job to meet the expectations of the citizens of Winchester especially in this difficult economic time. We have much more in common and share challenges. The challenges of homelessness, drug abuse, mental health, and teen pregnancy face this city and they face the hospital. We, collectively, are working to make a difference in the lives of these people. During these difficult economic times, you have even greater challenges as do we. We are well aware of the cuts within the Commonwealth of Virginia that are affecting the city. The same cuts affect us equally with regards to deductions in Medicaid. When the economy

turns down, your tax base diminishes. When the economy turns down, our uncompensated care load grows. In closing, he thanked Council for the leadership they have shown in adopting this. He stated they consider themselves excellent corporate partners and consider Council as an excellent Council. They look forward to working with Council on a renewed commitment to accomplish what they believe are common goals for a healthy community, a qualified work force, a safe environment, a strong economy for this particular region, and to serve this particular community. 7:26:52 PM

Dixon Whitworth, Chairman of Valley Health System, stated good governance is not always easy. In fact, in trying economic times, it is rarely easy. The board members of Valley Health System and the Winchester Medical Center are not unlike the elected membership of this Council. We all serve the same public without personal benefit. We are all well intentioned. We are all dedicated to our respected entity's missions. In such, we are all fiduciaries of the trust to govern and to be good stewards of the assets entrusted to us. He wanted to publically acknowledge the extraordinary effort and time that the City and all parties of this agreement have provided in coming to a common agreement, for a common benefit, and for a common community. With Council's approval this evening, joined by the agreement of the Commissioner of Revenue and our system and hospital boards, we are able to move forward as community partners in a win-win solution, a good outcome from good governance. He wanted to especially commend the good leadership of Council President Buettner and the professional work of City Attorney Williams for their hard work and good faith to bring us to a compromise agreement without the enormous expense of litigation. Valley Health and Winchester Medical Center will continue to dedicate all of the resources to their mission of improving health for the extending communities. They are proud to represent an institution that provides the highest quality of health care in a facility second to none. He thanked Council, their boards, and the management of Valley Health and Winchester Medical Center.

## **PUBLIC COMMENTS**

*No citizens came forward to address Council during this time and the President declared the public hearing closed at 7:32 p.m.*

## **CONSENT AGENDA**

**R-2010-72:** Resolution – Authorize the acceptance of the VITA Grant for Dispatcher Training

**R-2010-73:** Resolution – To Change CEMS Section 7.9 Political Activity

**R-2010-74:** Resolution – To Close Public Comment Period for Reallocation of CDBG Funds

**R-2010-75:** Resolution – Extension of previously granted CUP regarding 715 S. Kent Street

**Motion:** Appoint Perry Eisenach and Tim Youmans as alternate members of the Winchester-Frederick County MPO Policy Committee for an indefinite term

**Motion:** Appoint Jules Bacha as a member of the Parks and Recreation Board for a three year term expiring April 30, 2014

Vice-President Major moved to approve the items on the Consent Agenda. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

## **AGENDA**

**O-2010-72:** First Reading - AN ORDINANCE TO AMEND AND REENACT SECTION 9-2 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO CONDITIONAL USE PERMITS FOR MULTIFAMILY DWELLING UNITS TA-10-613

President Buettner presented O-2010-72 for first reading.

**O-2010-73:** First Reading - AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 8, 9, AND 10 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS AND USE PROVISIONS FOR HOOKAH ESTABLISHMENTS TA-10-639

President Buettner presented O-2010-73 for first reading.

**Announcement:** The term expiration of Betty Curtis and Reverend James Utt as members of the Social Services Advisory Board effective March 31, 2011 and direct the Clerk of Council to advertise the vacancy. Ms. Curtis is eligible for reappointment. Reverend Utt is not eligible.

## **ADJOURNMENT**

Mayor Minor moved to adjourn the meeting at 7:33 p.m. *The motion was seconded by Vice-Mayor McInturff then unanimously approved by voice-vote.*

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Kari J. Van Diest  
Deputy Clerk of the Common Council

## 2010 MAYOR'S REPORT

01/11/2011

Another exciting year is in the books. As I sat down to reflect on 2010, I thought of a lot of the changes that have taken place, improvements made and projects started and finished. City Council, citizens, volunteers, staff and outside agencies came together throughout the year to work collaboratively on improving our city. So it is my privilege to share this review of the last year and I think you too will see how much we have been able to accomplish for the betterment of Winchester by working together.

It is almost one year to the day that Jim O'Connor joined us as City Manager. His knowledge and experience have been valuable over the past year and it has been wonderful having him and his wife Sherry make themselves at home here in Winchester.

2010 brought another year of difficult budget decisions and 2011 will surely hold more obstacles, but thanks to conservative forecasting and some good ole' fashion belt-tightening, Council was able to pass a balanced budget without passing on any tax increases. In fact, thanks to this sound financial stewardship, the City received a bond rating upgrade from "AA" to "AA+" from Standard & Poor's in October. For the City to receive a rating upgrade in these economic times is quite remarkable and speaks highly of the fiscal policies that City Council and management have put in place over the years.

Our local economy also continues to show positive signs. Sunshine Pride Dairy created over 100 jobs when it began operations on North Kent Street, and O'Sullivan Films began a plant expansion creating 174 new jobs, with much of this facilitated through a cooperative agreement between the Commonwealth of Virginia, the City and the Economic Development Authority.

We have also seen a lot of activity in Old Town over the last year. The Economic Development Authority acquired and sold the former PERC fitness property to Yount, Hyde and Barbour, resulting in a historic rehabilitation of the property; and we have also made strides to bring more Shenandoah University students downtown by facilitating the purchase and future renovation of the Solenberger Building on the pedestrian mall to Shenandoah University for graduate student housing. With so much going on downtown, we saw overwhelming turnouts to our annual Christmas parade and Halloween Trick-or-Treating. But just as well-attended in Old Town were events brought to you by the Old Town Development Board and Parks & Recreation Department, like movies on the mall and who can forget Sheriff Lenny Millholland showing his dance moves on the roof of the Court Square Autopark at the first-ever SalsaFest this past summer.

Piccadilly Street received some TLC in 2010, as well. As we continue to make infrastructure improvements a priority throughout the City, this busy thoroughfare saw the replacement of water and sewer lines, storm drainage, sidewalks and trees; all completed in time for the Apple Blossom Festival. We continue to look at opportunities in Old Town and I know our past successes are only going to breed great things in the future.

And keeping with upgrades, work began last January on a \$25 Million improvement project at the City's Percy Miller Water Treatment Plant in Middletown. Many of us may not realize it, but this facility is over 50 years old. While this oh-so-important project will be continuing over the next 18 months, it will ensure a high quality and reliable water supply to City residents for the next 50 years.

Despite a decrease in the number of building permits issued, the Zoning and Inspections Department stayed busy throughout the year, thanks to several large construction projects taking place within the City and through its efforts to address problems associated with blighted buildings and blight abatement. The Zoning and Inspections Department also applied for and received two grants focusing on the Historic Winchester District and a partial re-write of the City's Zoning Ordinance.

Our Treasurer's office was recognized with accreditation from the Virginia Treasurers' Association for the fifth straight year and the Commissioner of the Revenue's office has been extremely busy reviewing ordinances, policies and practices; including conducting an in-house mass reassessment of real property and a triennial review of all tax-exempt properties in the City; all while continuing to strive for improved efficiencies and accurate assessments for taxpayers.

Another wonderful celebration of our community's diversity took place during the 2<sup>nd</sup> annual International Children's Festival held in Jim Barnett Park. The event was even bigger than last year, with over 3,000 people traveling around the world, visiting 19 countries, all without having to leave the Active Living Center. We were also able to enhance some citizens' perspective of City government through the INSIGHT Citizen's Academy. In its 6<sup>th</sup> year, this award-winning program gave 25 graduates an invaluable behind-the-scenes look at City government, and oh how much fun we had.

Warm weather not only melted some of our record snowfall from last year, but also brought with it a 9-hole disc golf course in Jim Barnett Park. A dedicated group of businesses and volunteers saw this project through and have now raised enough money to add another 9 holes and will complete the 18-hole course early in 2011. Combine this with the improvements to the Kiwanis Par Course where the Kiwanis Club of Winchester, local businesses and individual donors partnered with Parks & Recreation and the Parks Foundation to fund a resurfacing and upgrade to the one-mile asphalt trail system throughout Jim Barnett Park, and it seems like our parks just keep getting better and better. And while we were excited to sign an agreement this past summer to host the 2011 Cal Ripken 10-Year Old World Series; I know excitement will hit a fever pitch in August 2011 when we welcome these teams and their families to Winchester for some world-class baseball.

Improving the overall health and wellbeing of police officers was an initiative undertaken by the Police Department this year. Grant funding provided upgraded fitness equipment and consultations with training and medical staff for officers, and the results of the initial fitness assessments in October are very promising. In addition to looking out for the wellbeing of officers, the Police Department has taken an active role in the development of young people in the City. The Timbrook Youth Reporting Center became operational in December 2010, thanks to a cooperative effort between the Police Department, Parks

& Recreation, Winchester Public Schools and several community support groups. The Timbrook Youth Reporting Center will provide a safe and structured learning environment for young people in the City with behavioral issues.

We also continued to see positive differences throughout the City thanks to the efforts of the Community Response Team. This team; made up of staff from Police, Fire, Zoning & Inspections and the Commissioner of the Revenue and Treasurer's offices; has been able to foster cooperation with the business community to not only increase tax and zoning compliance, but also prevent shoplifting and improve public safety through this holistic approach.

We have so much to be thankful for here in Winchester, but one thing that is truly refreshing is our active citizenry that gets involved in City government. These commitments take a great deal of time, but to the many volunteers that serve on our boards, commissions and committees, your expertise and dedication continue to make Winchester a great place to live, work and play. In fact, if your New Year's resolution is to get more involved in your community, you should check out some of the volunteer opportunities available on the City's website. Or if you want to stay more connected to what's going on around town, you can sign up for our e-newsletter, CitE-News at [www.winchesterva.gov](http://www.winchesterva.gov), or check us out on Facebook.

I think you now see what I mean about collaborative efforts. What I've mentioned this evening are just a fraction of what's gone on in Winchester over the last year; but so much of it is due to people working together. In closing, I want to wish each of you a safe, happy and healthy 2011. Through hard work and collaborative efforts we accomplished a great deal. However, City Council and staff will undoubtedly be busy again this year, but we look forward to the challenges that lie ahead and continuing to deliver services in an efficient, sustainable and customer-focused manner.