

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
July 10, 2012**

A regular session of the Winchester Common Council was held on Tuesday, July 10, 2012 in the Council Chambers, Rouss City Hall. President Jeffrey Buettner called the meeting to order at 7:06 p.m.

PRESENT: President Jeff Buettner; Councilor Evan Clark, John Hill, John Tagnesi and Ben Weber; Vice-Mayor Milt McInturff; Mayor Elizabeth Minor; Vice-President John Willingham (8)

ABSENT: Councilor Les Veach (1)

INVOCATION – 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 – June 12, 2012 Regular Meeting and June 29, 2012 Special Meeting

Vice-Mayor McInturff moved to approve the June 12, 2012 and June 29, 2012 meeting minutes. *The motion was seconded by Councilor Hill then approved 8/0.*

REPORT OF THE MAYOR

R-2012-42: Resolution – Retirement of Mike Sargent

Vice-President Willingham moved to approve R-2012-42. *The motion was seconded by Councilor Weber then approved 8/0.*

Mayor Minor presented the resolution to Mr. Sargent and thanked him for his service to the city.

Mayor Minor announced the City's INSIGHT Citizen's Academy is now accepting registrations for the 2012 program beginning August 30th. She stated if you are looking for answers to questions about the City of Winchester local government, enjoy exploring facilities like the water treatment plant, Timbrook Public Safety Building or City Yards, and would like to meet and discuss services, challenges and future plans with City staff,

then INSIGHT is the program for you. The schedule and registration form can be found on the brochure rack in the lobby or on the City's website at WinchesterVA.gov.

Mayor Minor announced National Night Out is scheduled for Tuesday, August 7th beginning at 6:00 p.m. There will be locations at 1032 Woodland Avenue, the Highland Presbyterian Church, the Montegue Avenue Methodist Church, Willow Lawn at 1824 Tilghman Lane, and the Target at 2340 Legge Blvd. Come spend time with your local police and fire departments along with area neighborhood watches.

Mayor Minor thanked the crews from Public Works that worked tirelessly in the clean up efforts after the June 29, 2012 storm. She stated all of the debris will be picked up over the next few weeks.

Mayor Minor also announced a special Winchester Royals game on Thursday evening sponsored by Friends of Jim Barnett. Proceeds will go to new lighting at Bridgeforth Field.

REPORT OF THE CITY MANAGER

City Manager Dale Iman stated he also wanted to recognize the staff that worked in the storm recovery including Police, Fire and Emergency Management personnel. The streets crews have done a great job in the clean up. Mr. Iman informed Council an update on the Communications Tower Project (R-2012-47) was distributed tonight in response to their request for a cost estimate on any changes from the RFP.

REPORT OF THE CITY ATTORNEY

City Attorney Anthony Williams stated Ordinance 2012-09 was tabled for one month to give the parties an opportunity to work it out. Those discussions have not been successful. Staff recommends that Council table O-2012-09 for an additional month to allow staff to revise the ordinance to vacate only.

PUBLIC HEARINGS

O-2012-18: Second Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 14-84 OF THE WINCHESTER CITY CODE PERTAINING TO EXEMPTION FROM FOUR (4) HOURS FREE PARKING REQUIREMENTS FOR DISABLED CONTAINED IN 46.2-1245 OF THE CODE OF VIRGINIA IN PARKING GARAGES MANAGED BY THE WINCHESTER PARKING AUTHORITY

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:16 p.m.

Councilor Weber moved to adopt O-2012-18. *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-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Councilor Veach	Absent
Councilor Weber	Aye
Vice-President Willingham	Aye
President Buettner	Aye

O-2012-19: Second Reading – A REVISION TO REVOKE SECTION 13-9 OF THE WINCHESTER CITY CODE PERTAINING TO THE REGULATION OF MASSAGE PARLORS

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:17 p.m.

Vice-President Willingham moved to adopt O-2012-19. *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>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Councilor Veach	Absent
Councilor Weber	Aye
Vice-President Willingham	Aye
President Buettner	Aye

O-2012-22: Second Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 7.1-1 OF THE WINCHESTER CITY CODE PERTAINING TO SERVICE FEES FOR EMERGENCY MEDICAL TRANSPORT

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:18 p.m.

Vice-Mayor McInturff moved to adopt O-2012-22. *The motion was seconded by Vice-President Willingham 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-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Councilor Veach	Absent
Councilor Weber	Aye
Vice-President Willingham	Aye
President Buettner	Aye

O-2012-20: Second Reading – AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 8, 9, 10, 11 AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS, USE PROVISIONS AND PARKING PROVISIONS FOR ARENAS, AMPHITHEATERS, AND STADIUMS TA-12-187

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:18 p.m.

Vice-President Willingham moved to adopt O-2012-20. *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>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Councilor Veach	Absent
Councilor Weber	Aye
Vice-President Willingham	Aye
President Buettner	Aye

O-2012-21: Public Hearing – AN ORDINANCE TO VACATE APPROXIMATELY 4,500 SQUARE FEET OF PUBLIC RIGHT-OF-WAY AT THE SOUTH END OF ROBERTS STREET AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTY SV-12-251

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:19 p.m.

PUBLIC COMMENTS

Mary Gage of 440 North Braddock Street stated she is against the Lafayette Storage mainly for the danger and fire hazard of flammable liquids being stored in cars and motorcycles in the old wood storage unit with six framed houses abutting them. It is a

very dangerous situation to store motorcycles and cars with gasoline with all of the wood surrounding them in a very old area. It is possible this is an antique carriage house as well. She stated fire engines are not able to get through the narrow access of Lafayette Alley and firefighters will have to use 400 feet of hose from Loudoun or North Avenue to reach a fire. She stated advertising was limited to the side of the building units but now it is happening by word of mouth, handouts and flyers to the immediate area. She asked if the intent is to rent to people in the immediate area only, why it has gone to mass or electronic media marketing such as Craig's List. She stated it will be possible for 14-20 cars to be in the area at any given time on a 12 foot stretch of alley. It will be mass confusion, dangerous and constrict traffic on Lafayette Place disturbing neighbors with noise affecting health and welfare. She stated the prospective owner states the motive for the storage use is strictly out of economic advantage of about \$4500 a year gross. She stated this is a historic residential area where Generals George Washington and Stonewall Jackson resonate. It would be a degradation, a disaster, to use a conditional use permit in order to change this area into a rental, self storage, and commercial use for a neighborhood convenience establishment. She stated this is a residential historic area and asked that Council help to keep it that way. She stated this is our historic heritage and asked that we hold onto it.

Beck Holsted of 442 North Braddock Street stated he moved to Winchester in 1990 for the rural character of a place where they do roll up most of the sidewalks around 8 o'clock. He stated there has been a great transition in the neighborhood. When the boarding houses went away, many of the out of state plates driving down the alley to visit for 2-3 minutes to pick up something went away. He sees this as a boarding house for stuff. He stated the motive for this is economic advantage. It would be an economic advantage for him to rent his garage out in the alley as well. He would probably make more if he didn't rent it by the year but by the month and even more by renting it by the week. He doesn't think that is the intent of the neighborhood or the alley. He stated he is very opposed to this and is surprised it is put out as an economic advantage to Council to say here is a developer in town doing well but they need this economic advantage of this garage in the back. He stated after his long day of being a commuter, he tries to have a peaceful evening and peaceful weekend and he doesn't think that would be instilled by turning this into a commercial garage. He wants his home to be a residence and his backyard to be a residence as well.

No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:27 p.m.

CONSENT AGENDA

AGENDA

Motion to accept the report of the in-house viewers for: AN ORDINANCE TO VACATE A PORTION OF SPRING STREET RIGHT-OF-WAY ADJACENT TO 1462 GREYSTONE TERRACE AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTY SV-12-78 (**Tabled for one month on June 12, 2012**)

Mayor Minor moved to table the acceptance of the report for 30 days. *The motion was seconded by Vice-President Willingham then approved 8/0.*

O-2012-09: Second Reading – AN ORDINANCE TO VACATE A PORTION OF SPRING STREET RIGHT-OF-WAY ADJACENT TO 1462 GREYSTONE TERRACE AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTY SV-12-78
(Tabled for one month on June 12, 2012)

Mayor Minor moved to table O-2012-09 for 30 days. *The motion was seconded by Vice-President Willingham then approved 8/0.*

Motion to accept the report of the in-house viewers for: AN ORDINANCE TO VACATE A PORTION OF VALLEY AVENUE RIGHT-OF-WAY ADJACENT TO 1000 VALLEY AVENUE AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTY

Vice-President Willingham moved to accept the report of the viewers. *The motion was seconded by Mayor Minor then approved 7/1 with Councilor Weber voting in the negative.*

O-2012-15: Second Reading – AN ORDINANCE TO VACATE A PORTION OF VALLEY AVENUE RIGHT-OF-WAY ADJACENT TO 1000 VALLEY AVENUE AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTY

Vice-President Willingham moved to adopt O-2012-15. *The motion was seconded by Councilor Tagnesi 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-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Councilor Veach	Absent
Councilor Weber	Nay
Vice-President Willingham	Aye
President Buettner	Aye

Motion to appoint Perry Eisenach, Aaron Grisdale, and Jim Deskins as in-house viewers for: **O-2012-21:** AN ORDINANCE TO VACATE APPROXIMATELY 4,500 SQUARE FEET OF PUBLIC RIGHT-OF-WAY AT THE SOUTH END OF ROBERTS STREET AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTY SV-12-251

Vice-President Willingham moved to appoint Mr. Eisenach, Mr. Grisdale and Mr. Deskins as in-house viewers for O-2012-21. *The motion was seconded by Councilor Clark then approved 8/0.*

R-2012-43: Resolution – Authorization to apply for \$6,000 in recycling grant funds through the Virginia Department of Environmental Quality

Councilor Clark moved to approve R-2012-43. *The motion was seconded by Councilor Hill then approved 8/0.*

R-2012-45: Resolution – Authorize negotiations with vendors relating to the construction of a radio tower to support radio communications

Councilor Clark moved to approve R-2012-45. *The motion was seconded by Councilor Tagnesi then approved 8/0.*

R-2012-46: Resolution – Authorize City Manager to initiate discussion with the Winchester School Board and Handley Trust relating to the acquisition of land for the erection of a communication tower

Councilor Weber moved to approve R-2012-46. *The motion was seconded by Councilor Clark then approved 8/0.*

R-2012-47: Resolution – Authorize City Manager to execute a contract with Motorola Solutions for the purchase and installation of a radio communications system

Vice-Mayor McInturff moved to approve R-2012-47. *The motion was seconded by Councilor Clark then approved 8/0.*

Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Min Lee as a member of the Winchester-Frederick County Tourism Board

Vice-President Willingham moved to approve the Certificate of Appreciation for Min Lee. *The motion was seconded by Mayor Minor then approved 8/0.*

EXECUTIVE SESSION: 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)(3) FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF THE SUBJECT OF THE ACQUISITION AND/OR DISPOSITION OF AN INTEREST IN REAL PROPERTY FOR A PUBLIC PURPOSE.

Vice-President Willingham moved to convene into executive session at 7:33 p.m. *The motion was seconded by Vice-Mayor McInturff then approved 8/0.*

Vice-Mayor McInturff moved to reconvene in open session at 8:17 p.m. *The motion was seconded by Vice-President Willingham 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-Mayor McInturff	Aye
Mayor Minor	Aye
John Tagnesi	Aye
Councilor Veach	Absent
Councilor Weber	Aye
Vice-President Willingham	Aye
President Buettner	Aye

ADJOURNMENT

Vice-President Willingham moved to adjourn the meeting at 8:17 p.m. *The motion was seconded by Vice-Mayor McInturff then approved 8/0.*

Kari J. Van Diest
Deputy Clerk of the Common Council