

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
September 17, 2013
City Council Chambers – Rouss City Hall**

DRAFT

PRESENT: Councilor Evan Clark, John Hill and John Tagnesi; Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (7)

ABSENT: Councilor Jeff Buettner and Ben Weber (2)

1.0 Call to Order – President Willingham called the meeting to order at 6:00 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)

Todd Golding of 1027 Kinzel Drive stated he wanted to publicly thank Tom Denney and his staff for patching the pot holes on Christopher Drive. He would also like to state his opposition on the red light cameras. He stated according to the information given in the agenda, 11 of 141 accidents in 2011 were at Jubal Early and Pleasant Valley and 10 out of 125 in 2012 were at the same intersection. There were 4 out of 141 accidents in 2011 at Pleasant Valley and Berryville Avenue and 5 out of 125 in 2012. This alone tells him there are very few accidents at these intersections overall. The second item is it says these citations cannot be attributed to the intersections questioned as those statistics are not captured. From that, he guesses there is no evidence to say that 3 of the 5 accidents were caused by running a red light. The next item in the agenda is an analysis of a report given from the Insurance Institute of Highway Safety. Later tonight, he will be distributing to Council a counter point to that very study. In it, it states “our review reveals the 2011 Insurance Institute of Highway Safety study is flawed and violates the basic scientific research methods that are currently required for the study findings to be valid.” He stated that right there says it all to him. The study being used in this report given to Council tonight is flawed. He stated he would also like to mention that the Insurance Institute of Highway Safety, and some would differ, is nothing more than a trade group and to ask a trade group to represent the people is wrong to him. They are there to validate and to benefit the insurance industry. They are not there to protect the people or the public. They are there to protect the insurance industry. He stated this has been proven time and time again. It would be the same thing to go to the street corner and ask a drug dealer if their drugs are safe. Most of us know they are not but he is going to say they are. He stated he would prefer Council put this issue to bed tonight, say no more, and move on from this as he thinks the City has other things it really needs to discuss.

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the Public Comments at 6:03 p.m.

3.0 Items for Discussion:

- 3.1 R-2013-45:** Resolution – Authorization to initiate an ordinance to amend and re-enact Articles 3, 4, 5, 5.1, 6, 7, 8, 9, 13 and 18 of the Winchester Zoning Ordinance pertaining to home occupations permitted in accessory structures with a Conditional Use Permit (*Allows home businesses to operate out of a garage or similar detached structure*)

Zoning & Inspection Director Aaron Grisdale presented the amendment to allow for home occupations to be in an accessory structure. He stated staff has received numerous requests in the past from citizens wanting to operate a business out of a garage or accessory structure. A Conditional Use Permit would be required because accessory structures do not have setbacks and could be a lot closer to another property.

Councilor Tagnesi asked if there was any mention of employees or parking. Mr. Grisdale stated employees would not be allowed. The home business would only be operated by the family that lives there. The parking would be the same as for a single family home.

Vice-Mayor Veach asked what types of businesses have inquired about this. Mr. Grisdale stated previously a music teacher but more recently a pottery operation that would have a kiln in the garage.

Councilor Weber arrived at the meeting at 6:09 p.m.

Vice-President McInturff moved to forward R-2013-45 to Council. *The motion was seconded by Councilor Weber then approved 8/0.*

- 3.2 R-2013-47:** Resolution – Authorization to execute a Memorandum of Understanding between the City of Winchester and Shenandoah University to use to guide programs and projects designed to improve the local quality of life

City Manager Dale Iman presented the proposed Memorandum of Understanding between Shenandoah University and the City of Winchester. He stated the MOU was discussed during the Strategic Planning and goes along with goals 1, 3, and 4. The projects will be designed to improve the economy and improve the quality of life for the stakeholders of SU and the city. Mr. Iman reviewed the projects identified in the MOU to include the Route 50 corridor, the amphitheater in Jim Barnett Park, improving the athletic facilities at Jim Barnett Park, additional student housing in Old Town, career training in the health care field, and other options for economic development.

Councilor Tagnesi asked if any consideration was given to tie the emergency communications for SU into the City's system. Emergency Management Coordinator Lynn Miller stated it had not been at this point but he would like to have the discussion with SU and the Winchester Medical Center.

Vice Mayor Veach asked which of the 6 items could have a hit on the FY15 budget. Mr. Iman stated all of them could dependent on the direction they take. The corridor could if something is added to the design but the amphitheater and the athletic facilities would have more possibilities.

City Attorney Anthony Williams stated he looked at this before it went out for distribution and recommended an addition seen on page 16 of the agenda packet. He would also add an additional subsection b regarding this MOU superseding and replacing any prior MOUs and that any amendments must be in writing. He would recommend moving it forward with this one addition.

Councilor Weber stated he looked at the amphitheater at the park but also knows about the amphitheater at the Museum of the Shenandoah Valley. He questions if the city needs two amphitheaters in town. He would also like to see the emergency communications aligned.

Vice-Mayor Veach moved to forward R-2013-47 to Council with the amendment by legal. *The motion was seconded by Councilor Weber then approved 7/1 with Vice-President McInturff voting in the negative.*

3.3 O-2013-32: AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF PROPERTIES NECESSARY FOR THE MONTICELLO STREET EXTENSION PROJECT BY MEANS INCLUDING BUT NOT LIMITED TO CONDEMNATION AND ACCEPTANCE BY THE CITY OF SAID PROPERTIES
(Acquisition of properties for the construction of a bridge over the railroad and extension of Monticello Street)

Economic Redevelopment Director Jim Deskins presented the ordinance to authorize the acquisition of properties for the extension of Monticello Street. He stated Council adopted a resolution accepting \$5 million last year to fund this acquisition. This ordinance authorizes the city to move forward with the acquisition.

Councilor Tagnesi asked if there are any problems with this ordinance. Mr. Deskins stated there is one difficulty with a 5 acre parcel owned by the Ashworth Brothers. The appraiser has recommended taking the whole property unless the owner has the whole property rezoned to B-2 instead of M-1. He would like to talk to them about that but he can't get into contract zoning. The owner has to rezone it.

Mayor Minor moved to forward O-2013-32 to Council. *The motion was seconded by Vice-Mayor Veach then approved 8/0.*

3.4 R-2013-46: Resolution – Authorization to apply and accept funding through the State Homeland Security Program 2013 Communications Equipment Grant

Emergency Management Coordinator Lynn Miller presented the resolution to apply and accept funding through the State Homeland Security Program 2013 Communications Equipment grant. He stated there is no match associated with the grant.

Councilor Weber moved to forward R-2013-46 to Council. *The motion was seconded by Councilor Clark then approved 8/0.*

3.5 R-2013-44: Resolution – Recognition of Nashawn Cook for the brave, calm and caring manner displayed while getting medical assistance for another

Police Chief Kevin Sanzenbacher presented the resolution to recognize 7 year old Nashawn Cook who contacted the emergency call center when his mother suffered a seizure.

Councilor Clark moved to forward R-2013-44 to Council. *The motion was seconded by Vice-Mayor Veach then approved 8/0.*

3.6 Additional Information on O-2013-16: AN ORDINANCE TO CREATE CITY CODE SECTION 14-15 – PHOTO MONITORING SYSTEMS TO ENFORCE TRAFFIC LIGHT SIGNALS (*Installation of red-light cameras at two intersections*)

Chief Sanzenbacher presented a brief update on the proposal to install two red light cameras at two intersections in the city. He provided answers to the previous questions asked by Council and offered to answer any additional questions they may have.

4.0 Liaison Reports

Councilor Weber stated he attended the Library Board meeting and wanted to share some statistics that he found interesting. The number of volunteer man hours for the library system is 75 hours at the Bowman Library in Frederick County, 46 hours at the Clarke County library, and 1007 hours at the Handley Library in Winchester. The amount of residents using the library is 64.88% for Frederick County and 21.29% for Winchester. He also announced Sarah Holloway hit her 20 year mark with the library and Kim Bean hit the 15 year mark. Trish Ridgeway retires on September 30th.

Mayor Minor stated she attended the Fort Loudoun Day with a self audio tour. It was an excellent tour and the first at any of the historic sites in Winchester.

5.0 Monthly Reports

5.1 Police Department (page 87)

6.0 Adjourn

Vice-Mayor Veach moved to adjourn the meeting at 7:07 p.m. *The motion was seconded by Councilor Weber then approved 8/0.*