

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
October 22, 2013
City Council Chambers – Rouss City Hall**

DRAFT

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)

1.0 Call to Order – President Willingham called the meeting to order at 7:16 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 expressed his displeasure for the closing of East Lane for 23.5 hours over the course of 10 days in the past week. He stated on October 10, 2013, he noticed on the Winchester Police Department's Facebook page, a notice that East Lane would be closed between Cork Street and Woodstock Lane for a total of 23.5 hours over the course of 10 days. This post had a link to the press release indicating the dates and times of the closure but not the reason why the road was to be closed. He went back to the Facebook page and posed the question why the road was to be closed. Later that week, he received a CitEnews with a link to the City Road Closures list online. He went to the list and noticed the City has several column headings including reason in the top right corner. As an example of how roads are listed on October 13, 2013, Indian Alley was closed from Cork Street to Piccadilly from 6 a.m. to 6 p.m. for the Rally in the Alley event. He could look at that and understand why the road was closed. However, none of the dates that were listed for East Lane had a reason why it was closed. Observations over the past few days tell him that East Lane was closed for 23.5 hours over the course of the past 10 days so the Winchester Police Department could conduct their physical fitness tests. While he is not opposed to the Winchester Police Department conducting physical fitness tests and actually applauds them for it, he is opposed to them blocking a city road to do so when there are several locations within the City of Winchester where they could conduct the tests without inconveniencing the traveling public. For example, he takes his kids to and from Handley High School and does that up to 4-5 times a day. He was inconvenienced by changing his route 7 times to this date. From looking at the Winchester Police Department's website, he sees they are authorized for 74 police officers. If you take 23.5 hours and turn it into minutes, the road was closed 20 minutes per officer. He thinks this is overboard. As someone who served in the Marine Corp and has conducted PT tests, he has seen 500 marines do a PT test in one hour including

doing a 3 mile run. He requested the City look at examining this and moving the PT test someplace where it does not inconvenience the traveling public that long period of time. You have Handley High School, Daniel Morgan Middle School, and the City Park where this test could be conducted.

President Willingham asked City Manager Dale Iman to look into the issue.

President Willingham asked if there was anyone else who would like to address Council tonight. Seeing none, he closed the Public Comments at 7:19 p.m.

3.0 Items for Discussion:

- 3.1 CU-13-495:** Conditional Use Permit – Request of Bowman-Turner, LC for conditional use permit for conversion of ground floor nonresidential use to residential use at 118½, 120 and 124 East Cork Street (*Map Numbers 193-01-P-31 and 32*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay. (*Residential conversion of ground floor office space*)

Planning Director Tim Youmans presented the request to convert ground floor units into residential with the bedrooms on the back side of the units. He stated the office use ceased in 2009. The Planning Commission supported the request with three conditions. There would be 9 one bedroom units with parking in the rear of the building accessible by an alley. There would also be parallel parking on Cork Street.

Councilor Clark moved to forward CU-13-495 to Council. *The motion was seconded by Councilor Weber then unanimously approved 9/0.*

- 3.2 O-2013-36:** AN ORDINANCE TO CONDITIONALLY REZONE 7.7076 ACRES OF LAND AT 940 CEDAR CREEK GRADE (*Map Number 249-01-2*) FROM RESIDENTIAL OFFICE (RO-1) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO HIGHWAY COMMERCIAL (B-2) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) & CE DISTRICT OVERLAY RZ-13-500 (*PUD Rezoning for Cedar Creek Place*)

Planning Director Tim Youmans presented the request to have 132 units located at 940 Cedar Creek Grade. He stated the underlying zoning in the request is B-2 instead of High Density Residential with the PUD overlay. The project will be done in 8 phases over 5 years. Part of the non-residential portion will be required to be built by phase 5 and the rest in phase 8. There are two alternatives for the non-residential buildings. The applicant would like flexibility to have either the ground floor retail with 8 residential units on the second floor or no residential units on the second floor. The mixed use building and recreational area would still be in the Corridor Enhancement area but the residential units would not be.

Vice-President McInturff moved to forward O-2013-36 to Council. *The motion was seconded by Vice-Mayor Veach then unanimously approved 9/0.*

3.3 O-2013-37: AN ORDINANCE TO AMEND AND REENACT SECTION 22-2 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO REFERRAL TO AND ACTION BY THE PLANNING COMMISSION ON REZONINGS AND ZONING TEXT AMENDMENTS TA-13-488 (*Defines Referral and extends time limit to 100 days*)

Planning Director Tim Youmans presented the housekeeping amendment to codify the action of receiving a complete, privately sponsored text amendment by the Planning office as the official referral to the Planning Commission. He stated state code allows 100 days for review time instead of the 90 days allowed in City Code.

Councilor Clark moved to forward O-2013-37 to Council. *The motion was seconded by Councilor Buettner then unanimously approved 9/0.*

3.4 O-2013-38: AN ORDINANCE TO AMEND AND REENACT SECTIONS 30-49, 30-51, 30-52 AND 11-38 OF THE WINCHESTER CITY CODE PERTAINING TO NOTICE REQUIREMENTS FOR GRASS, WEEDS, AND OTHER FOREIGN GROWTH ON PRIVATE PROPERTY AND FEES FOR ABATEMENT OF TRASH AND TALL GRASS AND WEEDS BY THE CITY. (*Changes notice requirements for tall grass violations to once per growing season and creation of abatement fee*)

Director of Zoning & Inspections Aaron Grisdale presented the amendment to reduce the notice requirement for tall grass and weed violations to one time at the beginning of the growing season. He stated the abatement fee would allow the City to recoup the administrative costs.

Councilor Clark moved to forward O-2013-38 to Council. *The motion was seconded by Councilor Weber then unanimously approved 9/0.*

3.5 O-2013-39: AN ORDINANCE TO AMEND AND REENACT SECTIONS 6-8, 6-9, AND 6-144 OF THE WINCHESTER CITY CODE PERTAINING TO VACANT BUILDING REGISTRATIONS, FEES AND PENALTIES, AND CIVIL PENALTIES FOR VIOLATIONS OF THE VIRGINIA MAINTENANCE CODE. (*Vacant buildings required to be registered must also be derelict and increases registration fee and penalty*)

Director of Zoning & Inspections Aaron Grisdale presented the ordinance to require registered vacant building be derelict as well. This will tie the Zoning Ordinance to the Code of Virginia.

Councilor Clark moved to forward O-2013-39 to Council. *The motion was seconded by Mayor Minor then unanimously approved 9/0.*

3.6 Discussion on Transportation Priorities for Commonwealth Transportation Board Annual Meeting

Planning Director Tim Youmans stated the Commonwealth Transportation Board will be holding its annual meeting on November 15th in Staunton. This would be an opportunity to meet with the Board to discuss the needs the region may have. At the MPO meeting, the recommendation was made that it would not hurt to make the CTB aware of the region's needs for the Exit 313 Improvements and the Tevis Street Overpass at this meeting.

4.0 Executive Session

4.1 MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A) (7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF THE EMPLOYMENT, ASSIGNMENT, APPOINTMENT, AND PERFORMANCE OF SPECIFIC PUBLIC OFFICERS APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER.

Vice-President McInturff moved to convene in executive session at 8:08 p.m. *The motion was seconded by Councilor Buettner then unanimously approved 9/0.*

Vice-President McInturff moved to reconvene in open session at 8:58 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously approved 9/0.*

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:

<u>MEMBER</u>	<u>VOTE</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	Aye

5.0 Liaison Reports

Vice-President McInturff stated interviews have been held for the Old Town Development Board. The committee has at least one more interview to conduct before coming to Council.

6.0 Monthly Reports

6.1 Finance Department

6.2 Fire & Rescue Department

6.3 Police Department

7.0 Adjourn

Councilor Buettner moved to adjourn the meeting at 8:58 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously approved 9/0.*