

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
February 25, 2014
Exhibit Hall – Rouss City Hall**

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

ABSENT: Councilor John Tagnesi (1)

President Willingham called the meeting to order at 6:07 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)

President Willingham asked if there was anyone wishing to address Council. Seeing none, he closed the public comments at 6:09 p.m.

3.0 Items for Discussion:

3.1 Presentation: 4th Quarter Strategic Plan Update

Assistant City Manager Doug Hewett stated he is here tonight to present the fourth update in a series of what will be six updates in the current Strategic Plan. As seen in the past, the presentation covers the same material included in the report that has been placed at the desk and is consistent with information that was pushed out to the iPads. During the last quarterly update, there were a few questions about the CTE or Career Pathways Program. Todd Lynn and Dr. Lynda Hickey are here tonight to give an overview of the program and answer any questions Council may have.

Todd Lynn, Coordinator of Career and Technical Education, stated in May, a five year plan for both Health Sciences and non Health Sciences curriculum was introduced and announced to increase the pathways to the students. This school year, there are 161 students enrolled in that class. Next year, it is the hope to add Nurse Aide programs 1 and 2. This will be a double block class of 20 students. The first semester will consist of book work and the second semester will be out at the clinical spot for hands on experience. The students will take their state board exam from the Board of Nursing in May 2015. That class is limited to 20 students because the Board of Nursing regulates that the clinical portion have a student to teacher ratio of 10:1. Mr. Lynn stated the first partnership has been formed with Winchester Fire and Rescue. The MOU is being finalized now so the implementation will be moved up a year. This class will be capped at 12 to meet the EMS requirement of a 6:1 student to teacher ratio for safety and liability reasons during the clinical or live practical.

Mr. Lynn stated there are 160 students currently enrolled in the introduction class. Sixty of those students will be graduating and 100 will be returning next year as underclassmen. The problem this is creating is there are 100 students and 32 seats for the next phase. The students will have to complete an application and go through an interview to be chosen. The process has to be selective because the students will be dealing with real people not mannequins. These students need to be mature enough to be able to handle whatever they see on the ride along for EMTs or during the clinical.

Mr. Lynn stated they are looking at adding a medical terminology class next year without a cap on the class size. It is the hope that this will be a dual-enrollment class with Lord Fairfax Community College so anybody interested in health sciences could take it because they'll need it somewhere along the way in their career. The other classes being looked at are the Medical Lab Technologist and the Pharmacy Technician. Mr. Lynn stated he is not sure the health assistant careers; as the Department of Education is redefining the health sciences pathway, will be added as it is another introductory course and not a specialty program.

Mr. Lynn stated space for these programs will become an issue as space is at a premium at the high school. There is employment data that shows if the students get certified, there are jobs out there but it is not just a normal classroom that is needed for the Medical Lab or Pharmacy Tech programs.

Vice-Mayor Veach asked how many blocks it would require for a student to go into the Nurses' Aide 1 or 2. Mr. Lynn stated it would take 2 blocks each semester or first and second period all year long.

Vice-Mayor Veach asked if the student would still graduate with an advanced diploma. Mr. Lynn confirmed the student would.

Vice-Mayor Veach asked if a student has to be part of CTE in order to be a CTE completer. Mr. Lynn stated it takes 2 classes in a subject area to be able to be called a CTE completer. Pathways are a series of courses in a specialty curriculum that match so Nurse Aide 1 and 2 make that match and the Introductory in Nurse Aide met that match as well.

Vice-Mayor Veach stated a student almost has to wait until they are a senior before they can decide what they want to do. Mr. Lynn stated absolutely and he would almost prefer that they are a senior for the maturity factor.

Dr. Lynda Hickey stated you not only have to look at space but also personnel. The request to the School Board this year is for 15-16 new teachers in various capacities. Some of the positions are in what is called SOQ or Standards of Quality of which a certain number of teachers must be met to be in compliance with the State of Virginia. In reality, if we don't have the space or the personnel or the funding to be able to hire those people, at some point and time it's going to stop and not be able to proceed.

Dr. Hickey stated the hope is to expand into welding and other type of programs but again personnel is an issue along with space. She attended a meeting of six school divisions where the discussion regarding a regional academy was held because they are all feeling this same crunch. She stated it is great to have a vision and it's great to have this dream of where we want to go but the reality is already starting to hit. Although with Mr. Lynn's assistance and with the EMTs being able to jump a year, the program is a little bit ahead of the game but she is really kind of fearful that the program is going to hit that plateau.

Mr. Lynn stated Council can see some of the partnerships that have been developed and some of the equipment that has been donated. It is important to know that a medical bed is not one that can be purchased at Schewels for \$500. A medical bed will cost anywhere from \$1500 to \$2500. This is specialty equipment that the program is getting. He stated the medication carts for example are probably about \$1,000. It is not just some regular cabinet that can be bought from Lowe's. Kiwanis has donated \$500 to put towards getting all our introductory students certified in CPR and First Aide. Kiwanis saw it as a benefit to the community. Fire and Rescue has come in and provided the structural support. The Schools were able to buy the insulator materials and pay for the cards. Hopefully when it's all said and done, there will be 150-160 young adults out there with CPR cards.

Mr. Lynn stated he feels the opportunity to work with the professionals and to actually see what it is they are learning is an invaluable experience for the students. He understands not everyone can do a co-op or that the business will pay for it, but there is nothing to prevent the opportunity for a certified student to shadow or work with a company over the summer that could not be arranged. Mr. Lynn is in conversation with Mr. Deskins, Mr. Schenck, and Mr. Moore to have that opportunity with the Chamber. He stated they can produce students that have a little bit of skill set, but they are missing that practical piece. Jennifer Bell has been a great resource for the advanced marketing class. During a six week period, the students spent 3 days a week on the Downtown Mall being the marketing medics, doing surveys, and collecting data. The *Winc and Hester Project* came from the students. That is what advanced marketing should be about. That live experience is something that you can't get back so that's a great opportunity there.

Mr. Lynn stated is has been one of the largest shocks to him that the businesses did not know we are certifying the students. The next discussion will need to be how to use these people. We need to see if someone can use a student who has taken the National Retail Federation Customer Service certification. Students are also being certified in Microsoft Office so they are competent in Word, PowerPoint, Excel, Access, and Outlook. These students have passed the expert level exam so they can do more than just your everyday manipulation of those documents. With the jobs forecast, 70-75% of all jobs are going to have some kind of Microsoft Office or IT skill.

Councilor Hill stated Mr. Lynn mentioned having sufficient space now and asked when he expected needing more space. Mr. Lynn stated depending on how the budgets work out, they will need more space next year to add more health

sciences and the medical lab. It will really be a struggle to teach that at Handley because of the space and the need for specialty equipment. It is the same for the welding class.

Dr. Hickey stated they have talked about having multiple sites. The only issue is the different areas students would have to go to. Her fear is the cost of the equipment and the replacement of the equipment is very expensive. CTE is an expensive world to live in but it is very financially draining on a school network.

Councilor Weber asked if part of the money and location would be somewhat alleviated if they had a site within walking distance of Handley High School. Dr. Hickey stated it would help on the location side but wherever it is, there would need to be some kind of ligation to establish the setting which comes with a price tag on itself.

Councilor Weber asked if there has been any discussion with the school board on the current existing John Kerr. Dr. Hickey stated at this point and time, they have been kind of stabled until they know where the John Kerr site will be.

Councilor Weber asked at the beginning or end of the day, is it dependant on the student to get to that location or is there busing involved. Dr. Hickey stated if this is part of our program of studies then it would be up to us to provide the transportation.

Assistant City Manager Hewett reviewed the rest of the 4th quarter strategic plan update.

3.2 2014 Winchester Emergency Operations Plan

Emergency Management Coordinator Lynn Miller presented the 2014 Winchester Emergency Operations Plan to be adopted for 4 years.

Vice-President McInturff moved to adopt the 2014 Winchester Emergency Operations Plan. *The motion was seconded by Councilor Hill then unanimously approved 8/o.*

3.3 CU-13-646: Conditional Use Permit – Request of Feliciano Romero dba Puerto La Union Restaurant for a conditional use permit for an Entertainment Establishment at 2832-2834 Valley Avenue (*Map Number 310-07-40*) zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) District overlay. (*Request for addition of live entertainment to existing restaurant use*)

Director of Zoning and Inspections Aaron Grisdale presented the conditional use permit for an entertainment establishment at 2832-2834 Valley Avenue. He said the majority of the properties up and down Valley Avenue to the north and south are similarly zoned. The properties to the east are zoned medium density residential. The applicant would like to add this entertainment primarily on the weekends. Staff has checked with the chief of police and Virginia ABC and there are no outstanding issues or concerns from either one of those entities about the proposed use on Valley Avenue. Also, at this time the business is current with all

city licenses and taxes as well. The Planning Commission did forward this with a unanimous recommendation for approval with two recommended conditions: maintain full compliance with section 18-24 pertaining to entertainment establishments and the permit shall expire if the use does not commence within one year.

Vice-Mayor Veach asked what businesses are adjacent to it on each side and what their hours are. Mr. Grisdale said on the right (south side) he believes is a retail establishment and on the other side there is a Dollar General and sporting goods store. Vice-Mayor Veach said it doesn't sound like noise afterhours will be an issue with the other businesses. Mr. Grisdale confirmed he didn't think so.

Councilor Hill asked if the time for closing on Sundays is 1:30 a.m. Mr. Grisdale said originally the applicant had proposed going to 1:30 a.m. on basically Monday morning. After the Planning Commission discussion, there were some concerns raised about that so the applicant revised that back to the normal perimeters which were provided for in the zoning ordinance; so basically the cut off is 11 p.m.

Vice-President McInturff moved to forward CU-13-646 to Council. *The motion was seconded by Councilor Weber then unanimously approved 8/0.*

3.4 CU-14-47: Conditional Use Permit – Request of Susan S. Rhodes for a conditional use permit for a home occupation in an accessory structure at 364 Parkway Street (*Map Number 214-05-I-37*) zoned Medium Density Residential (MR) District. (*Request for pottery home occupation in existing accessory structure*)

Director of Zoning and Inspections Aaron Grisdale presented the Conditional Use Permit for a home occupation in an accessory structure at 364 Parkway Street and said this is a request for a home occupation as an artist/sculptor/potter located within the medium density residential area.

The proposal here would be for the garage which is located in the rear of the property more than 50 feet away from the adjacent structures on the south and north. The area the applicant will be using is only 240 square feet of the 720 square foot garage. They estimate most of the work would be done on Mondays, Thursdays and Fridays, but possibly work taking place on the weekends as well.

The applicant does not anticipate anybody coming to the business to purchase goods and there will be no outside employees; things which are typically required with home occupations.

The building official has reviewed this and has no concerns. The resident did get the proper electric permits when the garage was constructed a couple years ago and from a Code perspective there are no concerns. There will be low impact use on the neighborhood. Planning Commission did unanimously forward this with favorably recommendations; with one condition that no customers or students who pick up the merchandise will be permitted at the property.

Vice-Mayor Veach mentioned the kiln he believes is electric so there shouldn't be any smoke range. Mr. Grisdale confirmed no.

Councilor Clark moved to forward CU-14-47 to Council. *The motion was seconded by Mayor Minor then unanimously approved 8/0.*

3.5 Proposed FY15 Operating Budget for Opequon Water Reclamation

Director of Public Services Perry Eisenach presented the proposed budget for the Opequon Water Reclamation Facility for FY15. He stated the budget is brought to Council ahead of the City's budget to allow the Service Authority to set their rates. The proposed budget for next year is about 1.9% higher than the current budget which is due to an expected increase in chemical costs and additional laboratory testing requirements. He asked Council to approve the proposed budget at the next meeting subject to the adoption of the full City budget.

President Willingham asked if this is included in the full City budget and when they approve that if this will be included in that. Mr. Eisenach confirmed yes.

Mr. Eisenach stated the Service Authority has hired a consulting firm to take a look to see if it makes sense for the Service Authority to actually be responsible for the operation of the plant instead of the City. The consulting firm will come back with a recommendation probably in the next couple months. This would require Council to approve that change because of the 1987 operations agreement that the City has with the Service Authority.

City Attorney Williams asked Mr. Eisenach if he was looking for this to appear on the next agenda as a regular motion. Mr. Eisenach stated yes, just as a motion.

Vice-Mayor Veach made a motion to forward the Proposed FY15 Operating Budget for the Opequon Water Reclamation Facility to Council. *The motion was seconded by Councilor Hill then unanimously approved 8/0.*

3.6 R-2014-04: Resolution – Amending the Comprehensive Employee Management Systems, Section 1.6C Types of Employment – Regular Part-Time Employee to address hours for compliance with the Federal Patient Protection and Affordable Care Act

Assistant Human Resources Director Penny Mathias stated beginning July of 2015, the Federal Patient Protection and Affordable Care Act regulation will go into effect that requires any employer with 50 or more employees to provide health insurance to employees who work an average of 30 hours per week or they would have to pay penalties in regards to that. The penalty is up to \$2,000 times the total number of employees that the City employs and that is only if only 1 person is not insured. That does count the first 30 employees.

Ms. Mathias stated in order to prevent this from happening, we have designated a 12 month look back period beginning June 2014 to see if any of the part time employees qualify for benefits. The current CEMS manual states that part time

employees can work up to 35 hours per week. With 75 part time employees on our payroll and looking at the last year, that would have qualified 8 employees for health care benefits. The city is currently paying approximately \$5,076 per employee annually giving a total budgetary impact of potentially \$365,000. To be in compliance with this law, staff recommends reducing the hour requirement from 35 to 28 hours per week with maximum hours of 1500 per year to allow for flexibility.

Councilor Weber stated the state reduced theirs to 29 hours and the City is recommending we reduce ours to 28 hours. He asked why the difference. Ms. Mathias stated staff wanted a little bit of a buffer there to be able to manage it and be able to track it accordingly.

Councilor Weber asked for examples of other part time employees within the City other than the Parks and Recreation department. Ms. Mathias said the majority of the part time staff is with the Judicial Center, Sheriff Department, Court House, Parks and Recreation, and Juvenile Dentation, basically mostly in the court system, judicial and police department.

President Willingham asked if we provide part time employees health insurance today. Ms. Mathias stated there are currently 3 part time employees that are considered classified that the City offers health insurance to.

President Willingham asked if we're taking something away from someone. Ms. Mathias stated no, we are not.

Councilor Buettner made a motion to approve option 1 with amending CEMS to 28 hours per week. *The motion was seconded by Vice-President McInturff then unanimously approved 8/0.*

4.0 EXECUTIVE SESSION

President Willingham stated he would entertain a motion to add consultation of legal counsel to tonight's executive session. *The motion was made by Vice-President McInturff, seconded by Councilor Hill, then unanimously approved 8/0.*

Councilor Hill moved to approve the motion to add consultation of legal counsel to tonight's executive session. *The motion was seconded by Councilor Weber then unanimously approved 8/0.*

- 4.1 MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A) (1) 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 INCLUDING THE APPOINTMENT OF OR PROSPECTIVE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS.**

Vice-Mayor Veach moved to convene into executive session at 7:10 p.m. *The motion was seconded by Councilor Hill then unanimously approved 8/0.*

Vice-President McInturff moved to reconvene in open session at 7:37 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously 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:

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

5.0 Liaison Reports

No reports were presented.

6.0 Monthly Reports

6.1 Finance Department

7.0 Adjourn

Councilor Buettner moved to adjourn the meeting at 7:38 p.m. *The motion was seconded by Councilor Weber then unanimously approved 8/0.*