

**MINUTES OF THE COMMON COUNCIL  
WORK SESSION  
July 22, 2014  
Cafeteria – Quarles Elementary School**

**DRAFT**

PRESENT: President John Willingham; Councilor Jeff Buettner, Evan Clark, John Hill, Corey Sullivan and John Tagnesi; Vice-President Milt McInturff; Vice-Mayor Les Veach (7)  
ABSENT: Mayor Minor and Councilor John Tagnesi (2)

President Willingham called the meeting to order at 6:00 p.m.

**2.0 Public Comments:**

John Morrison of 126 Hawthorne Drive stated he sent Council a letter today regarding Mr. Deskins and asked if Council had any questions regarding the letter. He also questioned the timing of Mr. Deskins' business license with his resignation.

*President Willingham asked if anyone else wished to address Council. Seeing none, the president closed the Public Comments at 6:02 p.m.*

**3.0 Items for Discussion:**

- 3.1** Request for Council's endorsement of the Potomac Appalachian Trail Club's efforts to organize the 2015 Appalachian Trail Conservancy Biennial Conference

John Applin of the Potomac Appalachian Trail Club stated they will be hosting their biennial conference next July 17-24 at Shenandoah University and asked for Council's endorsement to submit with the Virginia Tourism Corporation Marketing Letter Grant.

After a brief discussion, Council, President Willingham directed the City Manager to write the letter of endorsement and sign it under her signature.

- 3.2 O-2014-35: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-10.1 OF THE WINCHESTER CITY CODE TO CHANGE REASSESSMENT DEADLINES AND TO CLARIFY REASSESSMENT RESPONSIBILITIES**

Finance Director Mary Blowe presented the ordinance to change the deadlines for the Board of Equalization and to clarify the responsibilities between the Commissioner of Revenue's office and the Finance Department.

Vice-President McInturff moved to forward O-2014-35 to Council. *The motion was seconded by Councilor Clark then approved 6/1 with Councilor Hill voting in the negative.*

**3.3 O-2014-30: ORDINANCE TO GRANT FRANCHISE TO USE PUBLIC PROPERTY FOR THE PROVISION OF CABLE SERVICES IN THE CITY OF WINCHESTER**

City Attorney Anthony Williams presented the ordinance to move forward with the bidding process. He stated this comes after several years of negotiation. Comcast does not currently have a franchise with the city.

Vice-Mayor Veach moved to forward O-2014-30 to Council. *The motion was seconded by Councilor Sullivan than unanimously approved 7/0.*

**3.4 O-2014-29: AN ORDINANCE TO AMEND SECTION 16-5 OF THE WINCHESTER CITY CODE PERTAINING TO CURFEW VIOLATIONS**

Police Chief Kevin Sanzenbacher presented the ordinance to expand the age for curfew limits that are enforced from fifteen years old to seventeen years old. He stated this has been brought forward after an increase in activity since school has let out this year.

Councilor Clark stated he would like to increase the age to 17 but also lower the timeframes by one hour during the weekdays and weekends.

Councilor Buettner expressed his concern with government trying to parent.

Councilor Hill stated the parents need to be held responsible for their children. The good parents are monitoring the good activity going on but something is needed to curb the criminal activity going on.

Vice-Mayor Veach stated he has trouble with restricting freedom and requested to see more specific data.

Vice-President McInturff asked if the one group is the reason for this or if they are just a catalyst. Chief Sanzenbacher stated this group is just one example of what happens especially when school lets out. He stated this also give the kids and parents a reason to say no when a child needs a way out of a situation.

Vice-President McInturff asked if there is any data or reports on how many incidents involving young adults have occurred in the last 3-6 months. Chief Sanzenbacher stated the system does not break it down by age only under 18. If Council desires, staff could look at the individual cases over the last 6 months.

Vice-President McInturff asked if anything can be done to keep the parents responsible. Chief Sanzenbacher stated as it is now, the ordinance allows the city to hold the parents responsible.

President Willingham asked to confirm if the violation is against the juvenile and not the parents. Chief Sanzenbacher stated it is usually against the juvenile but it could go against the parents if it continues to happen, the parents are ignoring it, or the parents are not there. President Willingham stated he would like to see significant language improvement to hold the parents responsible and enforce community service.

Councilor Clark moved to forward O-2014-29 to Council with the understanding that Ms. Freeman, Mr. Williams, and Chief Sanzenbacher will massage this to see what options there are to make it more in line with Council's wishes to help the parents and children in the city. *The motion was seconded then defeated 2/5 with President Willingham, Vice-President McInturff, Vice-Mayor Veach and Councilors Buettner and Sullivan voting in the negative.*

**3.5 R-2014-31:** Resolution – Authorize the City Manager to enter into an MOU with Winchester Public Schools in reference to the monitoring of school bus cameras by the Winchester Police Department

Chief Sanzenbacher presented the MOU to allow the Winchester Police Department to monitor the school bus cameras for Winchester Public Schools and to move forward with the project.

Vice-President McInturff moved to forward R-2014-31 to Council. *The motion was seconded by Councilor Sullivan then approved 6/1 with Councilor Buettner voting in the negative.*

**3.6 O-2014-32:** AN ORDINANCE TO ADOPT ARTICLE IV SECTION 20-32 OF THE WINCHESTER CITY CODE PERTAINING TO COLLECTION OF COURT FEES

Chief Sanzenbacher stated the Clerk of the Court's office informed him that the state is allowing the Clerk to collect a fee of \$5 from any case found guilty in General District Court and Circuit Court that would support ticket writing and software to automate the ticket writing process. The software would populate the database in the police department and in the Clerk's office at the same time.

Councilor Sullivan moved to forward O-2014-32 with the amendment that the fee "shall be applied" instead of "can be applied" as currently written in the third paragraph. *The motion was seconded by Vice-Mayor Veach then unanimously approved 7/0.*

**3.7 Discussion** of Economic Development Authority Consultant Agreement with Freestone, LLC

*President Willingham stated the discussion of the consultant agreement will be held after the Executive Session.*

**3.8 Discussion** of Unsafe Conditions at 414 S. Braddock Street

Aaron Grisdale, Director of Zoning & Inspections, presented a summary on the improvements made and the outstanding repairs still needed to be done on 414 S. Braddock Street. He stated since the property owner has not completed the improvements in the 6 months outlined by the court order, the city has the approval to give them more time, make the repairs, or partially demolish the property. The cost of repairs would be in a rough ball park amount of \$160-170,000 which would become a lien on the property. Demolition would cost roughly \$30,000. The demolition would be the fastest way to resolve the issue but would not be consistent with the revitalization of downtown.

**3.9 O-2014-31: AN ORDINANCE AUTHORIZING AN ENCROACHMENT WITHIN THE PUBLIC RIGHT-OF-WAY ADJACENT TO 118 ½ - 124 EAST CORK STREET** (*To allow steps down from a porch in the right of way*)

Tim Youmans, Planning Director, presented the ordinance to authorize the encroachment in order to have steps come down from the front porch on the property. He stated the steps would come down from the side of the porch.

Councilor Buettner moved to forward O-2014-31 to Council. *The motion was seconded by Councilor Sullivan then unanimously approved 7/0.*

**3.10 O-2014-24: Second Reading: AN ORDINANCE TO REZONE 2.57 ACRES OF LAND AT 1570 COMMERCE STREET** (*Map Number 252-01-2*) FROM COMMERCIAL INDUSTRIAL (CM-1) DISTRICT TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY **RZ-14-35** (*Allows 26 townhouse units on primarily vacant industrial property*)(Public Hearing Closed / Item Tabled at July 8, 2014 meeting)

Mr. Youmans presented the changes that occurred in the revised proffers submitted before the July 8, 2014 Regular Council meeting. He stated the changes include a maximum of two bedrooms with a study, parking garages, and 20 foot wide units instead of 16 feet. There were no other changes to the design or the Fiscal Impact Analysis.

Vice-Mayor Veach moved to table O-2014-24. *The motion was seconded by Councilor Clark then unanimously approved 7/0.*

**3.11 O-2014-33:** AN ORDINANCE TO REVISE THE PROFFERS AND DEVELOPMENT PLAN ASSOCIATED WITH 1.295 ACRES OF LAND AT 1720 VALLEY AVENUE (*Map Number 231-04-K-8A*) CONDITIONALLY ZONED HIGHWAY COMMERCIAL (B-2) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) AND CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY **RZ-14-350** (*Amendment to proffers and development plan of former Coca-Cola building to change two bedroom units to one bedroom units*)

Mr. Youmans presented the ordinance to change some of the two bedroom units to one bedroom units on the first and second floors. He stated there will still be two bedroom units available in the project.

Vice-Mayor Veach moved to forward O-2014-33 to Council. *The motion was seconded by Councilor Clark then unanimously approved 7/0.*

**3.12 O-2014-34:** AN ORDINANCE TO CONDITIONALLY REZONE 33.40 ACRES OF LAND AT 200 MERRIMANS LANE FROM CONDITIONAL RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY, CONDITIONAL MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT AND LOW DENSITY RESIDENTIAL (LR) DISTRICT TO EDUCATION, INSTITUTION AND PUBLIC USE (EIP) DISTRICT, HIGHWAY COMMERCIAL (B-2) DISTRICT, RESIDENTIAL BUSINESS (RB-1) DISTRICT, MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT AND LR DISTRICT; AND TO CONDITIONALLY REZONE 3.37 ACRES OF LAND AT 418 MERRIMANS LANE FROM LR DISTRICT TO EIP DISTRICT AND B-2 DISTRICT **RZ-14-351** (*Replaces the 2005 conditional zoning on the Ridgewood Orchard property and establishes zoning for school and commercial use on that site and the DBL Holdings property*) – Tim Youmans, Planning Director

Mr. Youmans presented the proposed rezoning of the Ridgewood Orchard property and the DBL Holdings property to eliminate the 2005 proffers in order to accommodate the new layout of Meadow Branch Avenue and the new school site boundaries. He stated the applicant is asking to be removed from the Corridor Enhancement District. The design requirements will be maintained through proffers except for the size restrictions to allow for larger buildings.

Vice-Mayor Veach moved to forward O-2-14-34 to Council. *The motion was seconded by Councilor Sullivan than unanimously approved 7/0.*

**3.13 R-2014-32:** Resolution – Adoption of guidelines pertaining to substitute materials as an addendum to the existing Winchester Historic District Design Guidelines

Mr. Youmans presented the proposed guidelines for the use of substitute materials in the Historic District for the most commonly reviewed situations.

Vice-Mayor Veach moved to forward R-2014-32 to Council. The motion was seconded by Councilor Hill.

President Willingham stated he would not be supporting this resolution especially in the case of new construction. The guidelines do not provide enough guidance for new construction and does not provide objective standards.

Councilor Buettner asked what can be done to make the different boards more consistent. Mr. Youmans stated this is a step in the right direction but architecture review is subjective.

Vice-President McInturff stated although staff has looked at other jurisdictions, he would like the city to tighten the guidelines and even create the state standard.

President Willingham suggested having a more comprehensive discussion on the roles of the BAR.

*The motion to move R-2014-32 forward was unanimously defeated 0/7 with President Willingham, Vice-President McInturff, Vice-Mayor Veach and Councilors Buettner, Clark, Hill, and Sullivan voting in the negative.*

#### **4.0 Boards & Commissions Liaison Update**

##### **4.1 Social Services Advisory Board – Amber Dopkowski, Director of Social Services**

Amber Dopkowski, Director of Social Services, presented an update on the Department of Social Services. She stated DSS provides income stability and self sustainability programs and family strengthening programs. One of the major initiatives for 2015 is eligibility modernization which aims to consolidate the social services programs brought on by the Affordable Health Care Act.

Georjean Coco, Assistant Director of Social Services, explained the customer portal and application system. She stated roughly 1/4 of the population of Winchester receives assistance from the department.

#### **5.0 Executive Session**

##### **5.1 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) AND (6) FOR THE PURPOSE OF DISCUSSION**

OR CONSIDERATION OF THE SUBJECT OF THE ACQUISITION OF AN INTEREST IN REAL PROPERTY FOR A PUBLIC PURPOSE WHERE IF MADE PUBLIC, THE BARGAINING POSITION OR FINANCIAL INTEREST OF THE CITY WOULD BE ADVERSELY AFFECTED.

Vice-President McInturff moved to convene in Executive Session at 8:19 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously approved 7/0.*

Vice-President McInturff moved to reconvene in open session at 9:07 p.m. *The motion was seconded by Councilor Clark then unanimously approved 7/0.*

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	Absent
Councilor Sullivan	Aye
John Tagnesi	Absent
Vice-Mayor Veach	Aye
President Willingham	Aye

### **3.7 EDA Consulting agreement**

Councilor Buettner moved to condense the agreement with Freestone LLC to only the events center and to forward the amended agreement to Council. *The motion was seconded by Councilor Sullivan then approved 4/3 with Vice-President McInturff and Councilors Clark and Hill voting in the negative.*

President Willingham stated he would entertain a motion to add to the agenda a motion to direct the manager to unfreeze and advertise for the hiring of the permanent Economic Redevelopment Director. *The motion was made by Vice-President McInturff, seconded by Vice-Mayor Veach, then unanimously approved 7/0.*

Vice-Mayor Veach moved to direct the City Manager to unfreeze and advertise for the hiring of the permanent Economic Redevelopment Director. *The motion was seconded by Vice-President McInturff then unanimously approved 7/0.*

## **6.0 Monthly Reports**

**5.1** Police Department

**5.2** Fire& Rescue Department

## **6.0 Adjournment**

Vice-President McInturff moved to adjourn the meeting at 9:09 p.m. *The motion was seconded by Vice-Mayor Veach than unanimously approved 7/0.*