

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
November 24, 2009
City Council Chambers – Rouss City Hall**

PRESENT: President Jeff Buettner; Vice-Mayor Michael Butler; Councilors Evan Clark, John Hill, Milt McInturff, Les Veach and John Willingham; Vice-President Art Major; Mayor Elizabeth Minor (9)

ABSENT: None (0)

President Buettner called the meeting to order at 5:29 p.m.

- Mr. Roger Crosen, Chairman and Mr. Patrick Barker, Executive Director from the Winchester-Frederick Economic Development Commission gave a presentation to request that Council support the EDC in the FY10 budget.

President Buettner stated that he would not be opposed to continue discussions about being a partner. Councilor Willingham also stated that he would be supportive but would like to foster an opportunity and expand the partnership roles with Frederick County. President Buettner said the two governing bodies need to discuss the financial support and decide if it would be included in this fiscal year or the following fiscal year.

- OTDB Seven Priorities for 2010 (Karen Helm and Marilyn Fennemore)

Old Town Development Board member Dr. Marilyn Fennemore presented seven priorities for 2010. Dr. Fennemore stated that the first three items would have an impact on the budget.

The priorities were

- Create Coordinated Events Program
Dr. Fennemore stated that there were a lot of events that not many people knew about and there was a need for an Events Coordinator
- Open a Visitor Center
Dr. Fennemore stated that the OTDB does not have an interest in running the center but it would need to be staffed and open all the time.
- Create Central Public Square
- Erect Extensive, Colorful Pedestrian Signage
- Launch Coordinated Communication Campaign
- Launch Recruitment/Incentive Program
- Retail Research/Support Program

Council agreed that the priorities were great ideas but requested a comprehensive analysis by the end of January to determine the costs. President Buettner stated that the priorities will require multi-department interaction.

Interim City Manager Mr. Bob Noe suggested that it was important for the City to spend money in order to invest in revitalization and to change the structure, such as having a citizen's advisory group.

- **R-2009-57:** Resolution – Authorization for Police Youth Drop-In Center at 305 E. Piccadilly Street using Federal COPS funds. No additional funds required in FY10. (Chief Kevin Sanzenbacher)

Chief Sanzenbacher stated that the idea for the center was supported by the Parks and Recreation Department and the local faith community. The Boys and Girls Club were excited about partnering with the Police Department. There would be a total of seven officers from the Community Resource Team that would have offices in the building. He also hoped to partner with CLEAN, Inc. and Social Services who could also utilize office space and would be able to provide clientele.

Councilor Clark stated that it would be great for police to interact with children, but couldn't justify furnishing the building in the same manor as the Boys and Girls Club that is right down the street. Mr. Clark suggested using the building for office space.

Councilor Hill thought that the services would be duplicated with the Boys and Girls Club and suggested that officers could entice the children to spend more time at the club. If the missions were different then he may support the idea.

Mayor Minor stated that there were so many youth in that area and didn't know if they would go to the Boys and Girls Club. Mayor Minor thought there would be many youth that would take advantage of having a center.

Councilor McInturff stated that having a center was a great idea but this is something that was already in place with the Boys and Girls Club. Mr. McInturff liked the idea of developing a relationship with the club and place the officers there.

Vice-Mayor Butler stated this would be a unique opportunity to partner with the Boys and Girls Club. Mr. Butler liked the concept of the center and agreed that the Police Department needed to have their own "face".

Councilor Willingham suggested to add this item to the agenda for next month to give Chief Sanzenbacher time to work out the partnership and ideas.

Councilor Veach loved the idea but was worried about the cost of funding. Mr. Veach was also afraid that the City would be competing with the Boys and Girls Club.

President Buettner suggested that Chief Sanzenbacher speak with both entities and see if we could get cooperation and have a partnership with the Boys and Girls Club and the Youth Development Center.

- **O-2009-37:** Ordinance – AN ORDINANCE TO AMEND AND RE-ENACT SECTION 16.32 OF THE WINCHESTER CITY CODE REGARDING CONSUMPTION OF ALCOHOLIC BEVERAGES AND POSSESSION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES BY ADDING SECTION (c) - Permitting the use of alcohol (with restrictions) within the Active Living Center in Jim Barnett Park. (Operations Superintendent Mike White)

Operations Superintendent Mike White stated that Debbie Lewis was present, chairman of the Parks and recreation Advisory Board.

Mr. White gave an overview of the proposed policy permitting the use of alcohol for special events held at the Active Living Center. Staff proposed that alcohol could be served at events on Fridays from 7-11 p.m. and Saturdays from 6-11 p.m. with holidays being an exception. The financial impact would include hiring more Park Rangers or additional security, and a cleaning service. Additional security would be determined by the number of attendees at an event.

Vice-President Major pointed out a typo on page 21 in the packet for item three under “Minimum Requirements.” The sentence should read “Only authorized caterers are permitted to serve alcohol.”

Councilor Veach requested that drinks not be served in glass containers. Mr. White said that could be considered.

Mayor Minor was opposed of the policy to serve alcohol at the park and stated that it could hurt local businesses as well.

Vice-Mayor Butler thanked Mr. White, Director Brad Veach and the board for their efforts towards the proposal. Mr. Butler stated that he would have a hard time supporting as well because of safety issues, the City should not be in the alcohol business and competition with businesses.

Councilor Willingham supported the policy to serve alcohol but was concerned about competing with private entities.

Councilor McInturff was concerned about the Discovery Museum serving alcohol at certain functions because eventually the museum would be in the park. President Buettner stated that he was not aware of any alcohol served in their building but may be served at other locations for fundraising purposes only.

There was some discussion regarding other activities taking place at the park during the same time an event could take place in the Active Living Center. Mr. White clarified that it could be possible but the ending time of the event in the center would be past the time of any other activities held in the park. Mr. White stated that staff would meet with user groups and could coordinate and negotiate a time schedule.

Councilor Clark thanked staff for a lot of hard work preparing the policy. Mr. Clark stated that this policy would allow taxpayers to utilize the facility; and staff has put a lot of thought into safety issues.

City Attorney Anthony Williams clarified that the only thing up for council consideration was adding subsection (c) to the Ordinance found on pages 14-15 in the packet.

President Buettner suggested that a six month provision be added if the Ordinance passed.

Councilor McInturff moved a motion to forward the Ordinance to council with a six month trial period. *The motion was seconded by Vice-President Major and unanimously approved by voice-vote with Mayor Minor, Vice-Mayor Butler and Councilor Hill in opposition.*

President Buettner announced the meeting into a short recess at 6:59 p.m. The meeting restarted at 7:06 p.m.

- **R-2009-58:** Resolution – Authorization for City of Winchester to serve as Local Lead Agency for Infant & Toddler Connection of the Shenandoah Valley. FY10 Supplemental Appropriation for \$240,873 to be offset by State and Federal Governments. (Finance Director Mary Blowe)

Jim Gainer, CEO of Grafton and Beth Tolley, Technical Assistance Consultant for Infant and Toddler Connection of Virginia were present.

Mrs. Tolley stated that more than 120 children are currently being served through the program.

Councilor Willingham agreed that the program was great and he was in support

Mr. Williams was concerned about participating agencies not agreeing with this contract. Mr. Williams requested that the participating parties need to acknowledge the agreement; and if they have a memorandum of understanding with Grafton, the City should obtain a copy.

Vice-President Major moved a motion to forward the Resolution to Council. *The motion was seconded by Councilor Clark and unanimously approved by voice-vote.*

- **R-2009-59:** Resolution – Approval to submit application to VDOT for a Federal Enhancement Grant for the next phase of the Green Circle Trail. City is required to fund 20% (\$200,000) of the project to be requested in the FY11 CIP. (Public Services Director Perry Eisenach)

Public Services Director Perry Eisenach stated that the entire Green Circle was six miles. One and a half miles was just completed.

Councilor Willingham stated that he really supported the Green Circle project but couldn't support spending \$200,000 this fiscal year after discussing the priorities of the OTDB.

President Buettner clarified that the funds were for the FY2011 CIP budget.

Vice-President Major stated he was in support of the Resolution.

Vice-President Major moved a motion to forward the Resolution to Council. *The motion was seconded by Vice-Mayor Butler and unanimously approved by voice-vote with Councilor Willingham in opposition.*

- **O-2009-38:** Ordinance – AN ORDINANCE TO APPROVE THE APPLICATION OF THE ISLAMIC SOCIETY OF WINCHESTER FOR TAX EXEMPT STATUS BY RELIGIOUS ORGANIZATION PURSUANT TO 27-33 OF THE WINCHESTER CITY CODE - Approving Tax Exempt Status for property at 601 Woodstock Lane. The property was assessed at \$224,800 and would create a loss of revenue of \$1,730.96 per year at the current tax rate. (City Assessor Will Rice)

Vice-Mayor Butler moved a motion to forward the Ordinance to Council. *The motion was seconded by Councilor Willingham and was unanimously approved by voice-vote.*

- **R-2009-60:** Resolution – Extending the probation period for new employees of the Emergency Communications Center to 1 year and of the Police Department to 18 months. (Chief Kevin Sanzenbacher)

Vice-Mayor Butler moved a motion to forward the Ordinance to Council. *The motion was seconded by Councilor Veach and was unanimously approved by voice-vote.*

Vice-Mayor Butler recognized Director of Emergency Communications Erin Elrod for recently receiving an award for Outstanding Contribution to Emergency Medical Services (EMS) Telecommunications at the Governor's EMS Awards Banquet in Norfolk, VA on November 14th.

- **R-2009-61:** Resolution – Approval to submit application for the 2010 Federal Emergency Management Agency's (FEMA) Annual Safer Grant to provide salary and benefits for six new firefighter positions. The grant is for 2 years and the City is required to maintain positions 1 year after. Initial cost to the City would be for pre-employment medical expenses and uniforms. (Chief Frank Wright)

Fire Chief Frank Wright stated that the application is due by Dec. 14, 2009.

Vice-President Major and Councilor Willingham both stated that they were in support of the Resolution.

Councilor Veach moved a motion to forward the Ordinance to Council. *The motion was seconded by Mayor Minor and was unanimously approved by voice-vote.*

- **CU-09-302:** Conditional Use Permit - Fort Loudoun, LLC for a conversion of ground floor nonresidential use to residential use at 26A Wolfe St zoned Central Business (B-1) District with Historic Winchester (HW) District overlay. – Ward 1: Planning Commission recommends denial. (Planner Will Moore)

Planner Will Moore gave an overview of the request for a Conditional Use Permit.

Councilor Clark stated that he was in support of the CUP request.

President Buettner stated that he opposed of the CUP request

Councilor Clark suggested that a time constraint could be set for a tenant and Council could end the term of the CUP.

Councilor Willingham agreed and suggested one year for the CUP.

Councilor Willingham moved a motion to forward the request to Council with the amendment that the CUP ceases within twelve months. *The motion was seconded by Councilor Clark.*

After some discussion Vice-President Major moved a motion to amend the original motion to read “motion to forward the request to Council with the amendment that the CUP ceases within a period of twenty-four months with the signed lease of the next tenant.” *The motion was seconded by Mayor Minor and was unanimously approved by voice-vote with President Buettner and Vice-Mayor Butler in opposition.*

- **CU-09-298:** Conditional Use Permit - Kenisha Bridgemohan, dba Island Delights Caribbean Restaurant, LLC, for nightclub use at 821 North Loudoun Street, Unit A zoned Highway Commercial (B-2) District. – Ward 2: Planning Commission recommends approval. (Zoning and Inspections Administrator Vincent Diem)

After little discussion, Vice-Mayor Butler moved a motion to forward the request to Council. *The motion was seconded by Councilor Clark and was unanimously approved by voice-vote.*

- **CU-09-308:** Conditional Use Permit - Richard Hoffman for a two-unit townhouse at 35 West Hart Street zoned Limited High Density Residential (HR-1) District. – Ward 3: Planning Commission recommends approval. (Planning Director Tim Youmans)

Councilor Clark moved a motion to forward the request to Council. *The motion was seconded by Vice-Mayor Butler and was unanimously approved by voice-vote.*

- **O-2009-39:** Ordinance - AN ORDINANCE TO AMEND ARTICLES 1 AND 5.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO STANDARDS FOR VARIOUS TYPES OF DWELLINGS IN THE LIMITED HIGH DENSITY RESIDENTIAL (HR-1) DISTRICT **TA-09-323** (Planning Director Tim Youmans)

After little discussion, Councilor Willingham moved a motion to forward the Ordinance to Council. *The motion was seconded by Councilor Veach and was unanimously approved by voice-vote.*

- **R-2009-62:** Resolution – Approval for a request to apply for an American & Reinvestment Act Grant for Shenandoah Valley Watershed Community Ecosystem Restoration and Enhancement. The funding will range between \$30,000-\$70,000 and be used for the removal and planting of trees. (Public Works Director Tom Hoy)

Public Works Director Tom Hoy stated that the application was due November 30, 2009 and requested the Deputy Clerk of Council submit an extract of the draft minutes.

Mayor Minor moved a motion to forward the Resolution to Council. *The motion was seconded by Councilor Willingham and was unanimously approved by voice-vote.*

- **O-2009-40:** Ordinance – AN ORDINANCE TO AMEND AND RE-ADOPT CHAPTER 26 OF THE WINCHESTER CITY CODE PERTAINING TO SIDEWALK CAFES – Increase fees for sidewalk cafes. (OTDB Executive Director Karen Helm and OTDB member David Smith)

Old Town Development Board member David Smith explained to councilors that he is a restaurant owner on the Loudoun Street mall utilizing patio space and was willing to pay for the service and saw it as a benefit, not a penalty.

Councilor Clark stated that he was in support of the Ordinance.

OTDB Executive Director Karen Helm stated that the fee had not been revised since 1990.

Councilor Willingham stated he was in opposition of the Ordinance.

Councilor Veach suggested that maybe Council review in one year and then start a fee schedule.

Vice-President Major stated that he did not support the fee increase.

Councilor Clark moved a motion to forward the Ordinance to Council. *The motion was seconded by Vice-Mayor Butler and was unanimously approved by voice-vote with Vice-President Major, Councilors Willingham and McInturff in opposition.*

- Councilor John Willingham presented a motion to appoint Jeffrey M. Rives as a member of the Winchester Parking Authority and to forward to Council. *The motion was seconded by Councilor Veach and was unanimously approved by voice-vote.*
- Councilor John Willingham presented a motion to appoint Vincent DiBenedetto as a member of the Winchester School Board and to forward to Council. *The motion was seconded by Councilor Veach and was unanimously approved by voice-vote with Vice-Mayor Butler in opposition.*
- Motion to convene in executive session for consultation with legal counsel pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with the City Attorney regarding specific legal matters requiring the provision of legal advice pursuant to §2.2-3711(a)(7) of the Code of Virginia to discussed proposed professional and expert services related to potential litigation, and to receive legal consultation with regard to other current and pending litigation matters; and discussion of personnel matters pursuant to §2.2-3711(a)(1) regarding salaries of specific public officers or employees.

President Buettner moved to convene in executive session. *The motion was seconded then unanimously approved by voice-vote.*

At 8:27 p.m. Council preceded in executive session.

Upon returning at 9:20 p.m., council members approved a motion to return to open meeting and 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>
President Buettner	Aye
Vice-Mayor Butler	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Aye
Councilor McInturff	Aye
Mayor Minor	Aye
Councilor Veach	Aye
Councilor Willingham	Aye

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:21 p.m.