

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
December 22, 2009
City Council Chambers – Rouss City Hall**

PRESENT: Vice-Mayor Michael Butler; Vice-President Art Major; Councilor Milt McInturff, Les Veach and John Willingham; Mayor Elizabeth Minor (6)
ABSENT: President Jeff Buettner; Councilor Evan Clark and John Hill (3)

Vice-President Major opened the meeting at 5:31 p.m.

Items for Discussion:

Presentation: People Inc.

Bob Goldsmith and William Willey presented a summary of the services offered by People Inc. to help people reach their goals and enhance their lives. Mr. Goldsmith requested Council to vote and make People Inc. the Community Action Agency for Winchester.

Councilor Clark arrived at the meeting at 5:50 p.m.

Discussion: CU-09-198 – Conditional Use Permit - Milano's, LLC for nightclub use at 107 West Boscawen Street (Tabled at the September 22, 2009 meeting for 6 months – brought back early at request of President Buettner)

No motion was made to take the item off the table for discussion.

O-2009-37: Ordinance – To amend Section 14-68 of the Winchester City Code for the operation of parking meters to coincide with State holidays. Parking Authority recommends approval.

Assistant City Manager Anne Lewis presented a request from the Parking Authority for Council to recognize the Commonwealth's holidays instead of the City's holidays and the Thursday and Friday of Apple Blossom.

Councilor Willingham moved to forward O-2009-37 to Council. *The motion was seconded by Councilor McInturff then unanimously approved by voice-vote.*

City Attorney Anthony Williams stated the ordinance will need to be put in proper format before going to Council.

O-2009-38: Ordinance – An ordinance to amend article 8 of the Winchester Zoning Ordinance pertaining to special provisions for side and rear yards for commercial centers within the Highway Commercial (B-2) District. TA-09-359

Planning Director Tim Youmans presented the presented changes in the ordinance. He stated the downside is the current ordinance requires easements and those would need to be decided.

Vice-Mayor Butler moved to forward O-2009-38 to Council. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

O-2009-39: Ordinance – An ordinance to vacate and convey portions of Spring Street.

Economic Redevelopment Director Jim Deskins presented the ordinance to vacate and convey less than half an acre of Spring Street to the development company for \$250,000.00.

Councilor Willingham moved to forward O-2009-39 to Council. *The motion was seconded by Councilor Veach then approved 6/1 with Vice-Mayor Butler voting in the negative.*

CU-09-267: Conditional Use Permit – Nightclub request for Mi Salvador Restaurant at 930 Berryville Avenue. – Planning Commission recommends approval.

Zoning Administrator Vince Diem presented the CUP request for nightclub use. He stated the applicant has operated the business since 2005 with no police calls or issues for the last 12 months. The CUP would be limited to karaoke and DJ activities.

CU-09-360: Conditional Use Permit – Operation of extended stay lodging facility at 1347 Berryville Avenue. – Planning Commission recommends denial.

Mr. Diem presented the request from Shoney's Inn to convert 15 rooms of the motel into extended stay lodging units. The Planning Commission expressed concerns in regards to public health and safety particularly Fire & Recue and Police calls. Concerns were also voiced regarding the difference in the lodging tax and the extended stay tax.

After further discussion, Council directed staff to expedite the process to look at extended stay lodging to amend the ordinance in regard to hotels and motels.

CU-04-06: Conditional Use Permit – Five year review of CUP issued to New Life Center, Inc. for an addition to a recovery center at 315 East Cork Street.

Mr. Diem reviewed the three conditions placed when the CUP was approved in 2004 including the occupancy limitation, staff review and approval of the site plan, and a five-year review and approval. There is concern regarding the public health, safety and welfare due to the number of emergency services calls in the past two years – 49 EMS

incidents and 23 Police incidents. Concerns have also been identified from residents congregating and walking to the downtown area and to meetings. Staff recommended additional conditions be considered to require transportation to and from meeting sites and to require full-time DCJS-certified, on-site security personnel. Mr. Diem stated there are currently 30 group homes located in Winchester including 7 Oxford Houses. Edgehill is also identified as a 501(c)3 organization and are not subject to real property taxation.

Councilor Clark stated he understands the requirement for the security guard considering the number of police calls. This applicant helps citizens in the community and he doesn't feel this organization should be singled out by such things as limiting the number of people who can walk together.

Mr. Diem stated this is not to single out any group but it is staff's duty to bring it to Councils attention.

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. (Tabled at November Work Session)

Chief Kevin Sanzenbacher stated this item was tabled last month because of concerns with the Boys and Girls Club. Since then, he has met with the Boys and Girls Club and received a letter of support from Allyson Pate.

Councilor Willingham asked if additional funds will be needed after the FY10 budget year. Chief Sanzenbacher stated \$25,000 has been included in FY11 for start up costs but the department will be looking for donations from the community.

Councilor Veach asked if annual operating costs have been calculated. Chief Sanzenbacher stated not all of the partners have sat down to total the costs. He does not see a lot of expenses once it is running.

Vice-President Major asked what the hours of operation will be. Chief Sanzenbacher stated the critical hours are immediately after school before the parents get home. One officer will be assigned there but it will be a team effort to keep the kids on a straight line.

Vice-President Major expressed his concern that this has not been thought all the way through. He is not concerned about the use of the building but more of the use of the funding.

Councilor Willingham moved to retable the Drop in Center for an indefinite period. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

R-2009-64: Resolution – Approval to host the 2011 Cal Ripken-Babe Ruth League International 10 Year Old World Series.

Parks and Recreation Director Brad Veach presented a summary on the proposal to host the 2011 Cal Ripken-Babe Ruth League International 10 Year Old World Series.

Vice-Mayor Butler left the meeting at 7:02 p.m.

Councilor Willingham asked what the \$150,000 operation costs included. Mr. Veach stated the costs include retail sales, banquet costs, EMS, Fire & Rescue, Police security, etc. As long as we sell everything, we should get all of the money invested back.

Councilor Willingham asked Tourism Director Natalie Wills if Tourism would get the same return if give the \$150,000. He asked if this is a good expense of money to generate revenue or is there something else that could be better. Ms. Wills stated this could generate a lot of exposure. Tourism is dogpaddling to keep up with what the areas around us are doing. This is a target market of families that like baseball. Tourism deals with a much broader picture. This is definitely the type of events we want to have here.

Councilor Willingham asked if there was a sense for what number of events would follow in the next 5 years if the event is held. Mr. Veach stated the league would not guarantee another world series but he is confident we would see regional or state events in that time period with the improvements.

Councilor Willingham moved to forward the proposal to Council. *The motion was seconded by Councilor Clark.*

Councilor Veach moved to amend the resolution to insert a “Whereas” after the fourth one that reads “Whereas, the Parks and Recreation Director has indicated that the City could receive a \$100,000 grant for this project” and in the fifth whereas, after “improvements up to” to read “the difference between \$158,000 and the foregoing grant amount”. Also, at the end of the fifth whereas, it should read “which will be offset by revenues from the event”. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

The main motion as amended was unanimously approved by voice-vote.

R-2009-65: Resolution – Authorization to exceed the original contract value by more than 25% for completion of the Northeast Infrastructure Improvements Project. (Project will complete within \$7.5 million total budget)

Utilities Director Perry Eisenach presented an update on the project and stated we have exceeded the 25% maximum allowed in the contract but the project will be completed within budget.

Councilor Veach asked if a 30% cushion on a project was typical. Mr. Eisenach stated it was on this project because of the first project.

Councilor Willingham moved to forward the resolution to Council. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

R-2009-66: Resolution – Re-installation of Parking Meters on Boscawen Street between Braddock Street and Indian Alley.

Assistant City Manager Anne Lewis stated that following the Boscawen/Amherst Utility Project, Council decided not to reinstall the parking meters. It is the recommendation of the Winchester Parking Authority to reinstall the meters at this time for an approximate \$4,100 in additional revenue plus expired meter fines. The meters and poles are in stock and could be installed by current staff.

Vice-President Major asked why Council does not approve it at any other time. Ms. Lewis stated Council left off the meters off as an olive branch so staff is asking if you want reinstalled.

Councilor McInturff moved to forward the resolution to Council. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

R-2009-67: Resolution – Change Section 7.4.E of the CEMS - Matters Deemed Not Grievable.

Interim Administration Director Josh Didawick stated the change in the CEMS will make verbal reprimands not grievable except for under certain conditions.

Councilor Veach moved to send the resolution forward to Council. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

R-2009-68: Resolution – Establishing a fund to benefit abused and neglected children from a contribution of approximately \$200,000 from the McCrory estate.

Social Services Director Carla Taylor stated a citizen of Winchester left money to the Department of Social Services to benefit abused and neglected children. The resolution is a request to accept the donation.

Councilor Willingham moved to forward the resolution to Council. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

City Attorney Anthony Williams stated the resolution has all of the safeguards built into it that the City would want.

R-2009-69: Resolution – Authorization for the Police Department to apply for a Department of Justice Byrne Grant to support the fitness initiative for an amount of \$75,000 over three years. Requires a 5% match or \$3750 maximum.

Police Chief Kevin Sanzenbacher state the request is for authorization to proceed in the second round of the application process. This would require a commitment of funds of a 5% match or \$3750 maximum.

Councilor Clark moved to forward the resolution to Council. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

R-2009-70: Resolution – Approval of the 2008 & 2009 Annual Action Plan Substantial Amendments.

Ms. Lewis stated this item is two fold. HUD asks that you spend old money first and then new money. The City did not spend the old money first this past year. Old and new money have not been prioritized in different categories. We did allow a recipient to spend money on a category that was not allowed by HUD and will be paying HUB back with old money. When HUD comes in and has a finding, it is not something that puts the City at risk for future funding. We are currently in an open comment period which will close at the next Council meeting. At that meeting, Council will be asked to approve the resolution. Then, the City will go to the CDC and ask to solicit how they will spend the money and to what recipients.

Vice-President Major asked who decides where the money gets spent after Council decides what categories get funded. Ms. Lewis stated the CDC decides and then it comes back to Council.

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

Discussion: To authorize an audit of the Winchester Transit System pursuant to the possibility to contracting with Virginia Regional Transit.

Ms. Lewis stated Interim City Manager Bob Noe has made the suggestion that the City take an outside entity look at if we should be running the City's Transit or if the City should contract with an outside agency.

Councilor Willingham suggested waiting until the new City Manager, Jim O'Connor, comes on board.

Vice-President Major moved to convene into executive session pursuant to §2.2-3711a(7) of the Code of Virginia for consultation with legal counsel to discuss a current matter in litigation, recent filings, litigation strategy and status of. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

Upon returning at 8:07 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:

MEMBER

VOTE

President Buettner	Absent
Vice-Mayor Butler	Absent
Councilor Clark	Aye
Councilor Hill	Absent
Vice-President Major	Aye
Councilor McInturff	Aye
Mayor Minor	Aye
Councilor Veach	Aye
Councilor Willingham	Aye

Adjourn

Councilor Veach moved to adjourn the meeting at 8:08 p.m. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*