

**MINUTES OF THE COMMON COUNCIL  
WORK SESSION  
May 4, 2010  
City Council Chambers – Rouss City Hall**

**PRESENT:** Vice-Mayor Michael Butler; Councilor Evan Clark, John Hill, Milt McInturff, Les Veach and John Willingham; Vice-President Art Major; Mayor Elizabeth Minor (8)  
**ABSENT:** President Jeff Buettner (1)

Vice-President Major called the meeting to order at 5:30 p.m.

**Executive Session:** MOTION TO CONVENE IN EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION, CONSIDERATION, AND INTERVIEWS OF PROSPECTIVE CANDIDATES FOR APPOINTMENT TO THE SCHOOL BOARD PURSUANT TO §2.2-3711(A)(1).

Councilor Willingham moved to convene in executive session. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Councilor Clark moved to reconvene in open session at 6:08 p.m. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

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:*

MEMBER	VOTE
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
President Buettner	Absent

## **Items for Discussion:**

### **R-2010-21: Resolution - CDBG FY10 Annual Action Plan**

Social Services Director Carla Taylor stated there are several decisions to be made tonight for the CDBG Annual Action Plan. If the plan is approved as it is, no more action will be needed. If it is modified, another public comment period would have to be opened.

Martha Shickle of the Northern Shenandoah Valley Regional Commission presented a summary of the action plan. The public comment period began on March 8<sup>th</sup> and have five meetings have been held since then.

### **President Buettner arrived at 6:11 p.m.**

Ms. Taylor stated the resolution encompasses the CDBG funds for Winchester and the HOME funds for the region. The Community Development Committee recommended 20% for administration, 15% for Public Service, and 65% for Neighborhood Improvements. The HOME funds are broken out by percentage.

Vice-President Major asked if this distributes the funds for 2010 by percentage but does not assign the money to particular projects. Ms. Taylor confirmed he was correct.

Councilor Willingham asked how this compares to last year. Ms. Shickle stated the CDBG is slightly different but the HOME program is very similar with an emphasis on homeowner rehabilitation.

Vice-President Major moved to send R-2010-21 forward as presented by staff. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

### **R-2010-25: Resolution – CDBG FY08/Fy09 Amendments**

Ms. Taylor stated after the public comment period was closed, staff received requests for CDBG money due to a previous organization losing the funding. The CDC recommended honoring the requests from NW Works and the Child Advocacy Center. Council can modify the resolution as they wish and then it will go out for another public comment period.

Councilor Willingham asked how much money is available. Ms. Shickle stated \$489,000 has not been targeted to certain projects as of yet.

City Manager Jim O'Connor stated the first resolution gives Council the flexibility to fund the various organizations and the allocations can be changed without another public comment period. The second resolution does not allow that flexibility.

Vice-President Major moved to send the first resolution forward to Council. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

**O-2010-20: AN ORDINANCE TO AUTHORIZE THE APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2011**

Finance Director Mary Blowe presented a summary of the proposed budget.

President Buettner asked if the EDC will accept \$72,000. Mr. O'Connor stated the board will accept \$72,000 this year and the City will retain its position on the board and voting rights.

Councilor Willingham stated it is good to be a business partner but if expenses will be shared, revenue sharing needs to be looked at seriously.

Councilor McInturff stated he would like to see some type of accountability on a quarterly basis to see how the money is used.

Councilor Clark stated he supports funding the EDC. He compares it to advertising a major corporation. The City needs to advertise in the down economy.

Councilor Veach stated he can support it but he wants a report of not only results but of their efforts too.

President Buettner asked for suggestions on how this will be funded. Mr. O'Connor stated it would be from reserves at this point. There are some revenues that are up in the air right now that could possibly fund it without reserves. Staff will also be watching the vacancies.

Vice-President Major stated Council has been adamant about not wanting to fund operations out of reserves but if it has to be done at the end of the year so be it.

Councilor Willingham moved to amend the budget to include \$72,000 to fund the EDC for FY11. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

Councilor Clark stated the public inebriate center, not the residential center, represents a cost savings for the law enforcement system. It is more cost effective to operate the Detox center as it is than to have it go away and have those people got to jail. The time factor for the police officers is another issue. Taking individuals to jail will take the police officers off the streets. He is not in the mind to spend \$110,000 to move the center in this economy.

Mayor Minor stated she agreed with Councilor Clark that it will save a lot more money in the long run. There are times when the same person is taken in 10-12 times and asked if a program can be put in place after a couple of times.

Police Chief Kevin Sanzenbacher stated the Detox staff has started doing that by refusing offenders after repeat visits and placing them on the habitual offenders list.

President Buettner asked if staff has received an accounting on how the money is spent. Mr. O'Connor stated no.

Vice-President Major stated there is mis-information out there that this is about cost savings. It started out that we did not want to fund the residential center but were told that is not an option. He moved to not fund the Detox Center in the next budget. *The motion was seconded by Councilor Veach.*

Councilor Hill stated he agrees it is enabling but he doesn't think that crime deserves the same type of punishment. It does serve a purpose. He couldn't image what it would look like if we don't have it. He works with children who have this problem and looks for alternatives other than locking them up. He really sees the need and thinks it should be funded. This really is a disease and a lot of people cannot help what has happened to them.

Councilor Butler stated that he is still at the same position he was 14 months ago. It is a disease and it will be here no matter what is done. Trying to help someone with a disease is not enabling them. They need to be helped. He wishes the City could work something out with the County to come to terms with this. He likes the issue of moving it because it opens that building for redevelopment. It serves its purpose and it can go on serving that purpose. Those people are not going to go away.

Councilor Veach stated Council started asking questions but did not get immediate answers 14 months ago. There are still a lot of statistics we don't know but he feels like a crutch has been created.

President Buettner stated he still doesn't think it is the best use of money if we can't get the questions answered. It is not licensed, accredited, nor does it have counselors so what is it doing to help people. He still has all of the same questions he had last year.

Councilor Clark stated the more important issue is funding Detox is the right thing to do. We have all made mistakes that we want to take back and we have all received second chances. This is an opportunity for the citizens to get an opportunity to think about what they have done and get another chance. That is the biggest reason why it should be funded.

*The motion was passed 5/4 with Mayor Minor, Vice-Mayor Butler and Councilors Clark and Hill voting in the negative.*

Vice-President Major moved to forward the amended budget to Council. *The motion was seconded by Councilor Willingham then passed 7/1 with Councilor Clark voting in the negative.*

**O-2010-21:** AN ORDINANCE TO AUTHORIZE THE ADDITIONAL APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2010

Ms. Blowe presented the amendments for FY10.

Vice-President Major moved to send O-2010-21 forward to Council. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

**Discussion:** Green Circle – Steve Bauserman

Mr. Bauserman was not present at the meeting for the discussion.

**R-2010-19:** Resolution – JHHS Technology Class

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

**R-2010-20:** Resolution - Modification of previously granted CUP for Convenience Establishment at 715 South Kent Street CU-2009-05

Zoning Administrator Vince Diem stated the applicant has requested an extension of six months. A letter was received today to withdraw the local food network portion. -

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

**O-2010-19:** First Reading - AN ORDINANCE TO AMEND ARTICLES 1, 6, 8, 9, 10 AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS, PERMITTED USES AND PARKING REQUIREMENTS FOR CREMATORIES TA-10-111

Mr. Diem presented the text amendment to provide a definition for use of a crematory by right and to address the off street parking.

**O-2010-15:** Update for Second Reading – AN ORDINANCE TO CONDITIONALLY REZONE 0.752 ACRES OF LAND AT 812 AND 830 AMHERST ST FROM RESIDENTIAL OFFICE (RO-1) DISTRICT WITH

HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO RO-1 DISTRICT WITH HW DISTRICT OVERLAY WITH PROFFERS; AND 0.635 ACRES AT 825 AND 829 WHITTIER AVENUE FROM LOW DENSITY RESIDENTIAL (LR) DISTRICT WITH HW DISTRICT OVERLAY TO RO-1 DISTRICT; AND 0.062 ACRES AT 835 WHITTIER AVENUE FROM LR DISTRICT WITH HW DISTRICT OVERLAY TO LR DISTRICT. RZ-10-48

City Planner Will Moore gave a summary of the original request to rezone four parcels along Amherst Street. This rezoning would also have removed the Historic Winchester overlay and put on the Corridor Enhancement overlay. The Planning Commission was supportive of the underlying rezoning but not the change in the overlying zoning. The proposal has been changed to include the removal of the church properties from the rezoning application. The Historic Winchester District will not be revised. The two properties along Whittier will be rezoned to the RO-1 district and taken out of the Historic Winchester district. The Planning Commission reviewed the changes at the April meeting and supports them. The two properties on Amherst will still be under the proffer for one shared entrance.

Councilor Clark asked how the developer is planning to develop the property. Mr. Moore stated the original plan was to demolish the structure but he realizes that is not appropriate in the historic district.

Vice-President Major moved to forward the ordinance as amended. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

**R-1010-22:** Resolution - Police Youth Reporting Center

*The item was pulled from the agenda at the request of Chief Sanzenbacher.*

**R-2010-23:** Resolution – Appointing Authorizing Agents for a \$55,000 Hazardous Materials Team Grant

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

**R-2010-24:** Resolution – Emergency Medical Services Week

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

**Appeal:** Public Vehicle Driver's License

*The item was withdrawn from the agenda at the applicant's request.*

**EXECUTIVE SESSION: MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR CONSULTATION WITH LEGAL COUNSEL AND STAFF TO DISCUSS LEGAL STRATEGY AND SETTLEMENT ALTERNATIVES FOR A MATTER IN PENDING LITIGATION; AND PURSUANT TO §2.2-3711(A)(3) TO DISCUSS OR CONSIDER AVAILABLE OPTIONS REGARDING THE CONSIDERATION OF ACQUISITION OF REAL PROPERTY THROUGH SALE, LEASE, FRANCHISE, OR PUBLIC-PRIVATE PARTNERSHIP AND DISPOSITION OF PUBLICLY HELD PROPERTY WHERE DISCUSSION IN OPEN SESSION WOULD ADVERSELY AFFECT THE BARGAINING POSITION OF THE CITY**

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

Vice-President Major moved to reconvene in open session at 8:11 p.m. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

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:*

MEMBER	VOTE
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
President Buettner	Aye

Vice-President Art Major made a motion to authorize the manager and city staff to accept and execute the certification and compromise settlement of erroneous assessment of taxes for properties identified as tax map ID number 270-01-2 and tax map ID number 270-01-1 and ID number 249-01-3 in accordance with the provisions of the proposed agreement dated May 4, 2010, with Melco, Incorporated. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

**Adjournment**

**Councilor Willingham moved to adjourn the meeting at 8:11 p.m. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.***