

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
April 8, 2008**

DRAFT

A regular session of the Winchester Common Council was held on Tuesday, April 8, 2008 in the Council Chambers, Roush City Hall. President Charles Gaynor called the meeting to order at 7:30 p.m.

PRESENT: President Gaynor, Vice President Griffin, Mayor Minor, Vice-Mayor Buettner, and Councilors Butler, Clark, Coyne, Helm, Major, and Masters. (10)

ABSENT: Councilor Nelson. (1)

INVOCATION – President Gaynor led the councilors and citizens in a moment of silence.

PLEDGE OF ALLEGIANCE – Mayor Minor led councilors and citizens in the Pledge of Allegiance.

APPROVAL OF MINUTES – Councilor Coyne moved that the minutes of the March 11, 2008 Regular Meeting be approved as presented. *The motion was seconded by Councilor Major and unanimously approved by voice-vote.*

REPORT OF PRESIDENT

- Reading of a resolution expressing Council's sorrow at the death of former Virginia House of Delegates member Alson H. Smith.

Mayor Minor read the resolution expressing sorrow for the death of Delegate Smith.

- Proclamation for Child Abuse Prevention Month

Mayor Minor read the proclamation declaring the month of April as Child Abuse Prevention Month and presented it to Lee Henderson, Director of Healthy Families.

- Department of Social Services Annual Report.

President Gaynor requested the annual report be presented during the HEW committee report to allow more time for the video presentation. Councilor Coyne agreed.

- Public Hearing: CONCURRENT RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WINCHESTER AND THE BOARD OF SUPERVISORS OF FREDERICK COUNTY TO AMEND THE ARTICLES OF INCORPORATION OF THE FREDERICK-WINCHESTER SERVICE AUTHORITY.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:37 p.m.

- Public Hearing: AN ORDINANCE TO AMEND AND RE-ENACT SECTION 27-10 OF THE WINCHESTER CITY CODE BY CHANGING THE TAX RATE ON REAL PROPERTY FROM SIXTY-FIVE CENTS (\$0.65) FOR EVERY ONE HUNDRED DOLLARS (\$100.00) OF THE ASSESSED VALUE THEREFORE TO SEVENTY CENTS (\$0.70) FOR EVERY ONE HUNDRED DOLLARS (\$100.00) OF THE ASSESSED VALUE THEREFORE.

Robert Palmer of 320 Russelcroft Road stated he is here to speak against the real estate tax increase. Council raised taxes last year on his house and property 40%. Not 4%, not 14%, 40%. He has read and heard about a proposed water and sewer rate increase and hopes that it certainly does not happen. Now, you are here asking us to pay more for our real estate taxes. No more, no more. He stated he is retired. He lives on a fixed income and does not have any more money for the city. He is just trying to survive in today's environment. As a member of the retired community, his children have already gone through the schools. He does not have anymore children for the city to educate. He tries to keep his property clean. He is not a burden on the police department, fire department or social services department. Council should not be trying to balance the budget on the backs of retired people. You should be trying to encourage people like us to live here. You can't do that by continually raising the property taxes. He can't stand any more property tax increases. There is an old country song that says "what part of no don't you understand". No more real estate tax increases! No more. No! No! No!

Jerry Sanfino of 336 Shenandoah Avenue stated we all know that most our homes have appreciated in value since the last assessment in May 2006. In 2007, real estate taxes were raised to 65 cents per hundred based on the assessed value that was 15-35% higher than the actual value of our homes. So where are the rebate checks from 2007? Now, you want to raise the taxes to 70 cents per hundred bases on a bogus assessed value. Do you people sleep at night? Council members have a hard task here, we know that. The economy is bad. Everybody is struggling. Raising taxes doesn't make since to him. He stated the councilors are intelligent people and asked them to use their imaginations to raise revenue. The city needs money. We know that. He can come up with several ideas in fifteen minutes. The city runs buses to Handley High School that we didn't do for years before people began building larger homes on the outskirts of town. Maybe we could do something with the residents who pile into rental properties. What about a machinery tax? Everyone knows an industrial base is supposed to help keep taxes down in a community. We have a small industrial base here, when was the last time a machinery tax was placed? What about a hotel tax? Restaurant tax? Liquor tax? We could even raise sales tax. With all of the housing on the market, why don't you charge a huge \$12,000.00 building permit fee for starting new construction? When no one is building houses, you can get rid of some of those inspectors you have. This is hard. This fall, several buildings are supposed to break ground on a huge project in Clearbrook which could pull us out of the recession sooner than most other localities around us. That is something to look forward to. Lets not raise our taxes before we get the relieve that

is on the way. Let's talk about the law. Surely, it must be legal to tax the citizens based on an erroneous property value. Right, because council is doing it. Surely, it is legal to increase the tax rate on the same bogus property value. Is it? He guesses so because that is what council is proposing to do tonight. When does it become illegal? He wanted to thank Councilor Masters for being the one member to go on record opposing the tax increase.

Rhonda Wiltshire of 386 Shenandoah Avenue stated she assumes Council has made up their minds about the real estate increase. But there are some things that should be considered. Homes have decreased in value yet you have decided not to include the distressed and foreclosures in the assessments which she feels is not a true assessment value. With property values decreasing, does that mean the tax bills will also decrease? People are losing their jobs, autos, homes and dignity while the price of gas is increasing and everything is escalating. The citizens of Winchester are trying to merely survive. As our problems seem to mount, the city again wants to raise our taxes. City employees are keeping their jobs with a pay increase and spending has not curtailed. As a business owner, when times slow down, we have to cut and trim our budgets at least until times are a little better. However, she doesn't see this in our government. She has seen many city employees in different departments sitting around during times she has visited City Hall. Except for the most valuable departments such as the Police Department and Fire and Rescue, she feels each department could scale back by at least one full time employee and have one employee retained as per diem to cut cost. There are many ways to cut costs and ways to eliminate waste in each department. In the wake of our economy, city government should be scaling back, clipping coupons and sometimes doing without because this is how your citizens are living. Our school system is truly unfair. Each tax payer with a child gets a federal tax credit taking federal funds from each state. The state then taxes everyone for the school system. She feels the state should tax the parent to bring these funds back for education. Builders also need to help pay for the schools with funds from the redevelopment. Builders are only taxed at 16 cents per hundred on their gross income, the least tax of any business. Why is that? Retail sales at 20 cents. Commercial real estate and professionals at 58 cents per hundred. Professional repairs and business services at 36 cents per hundred. Wholesale merchants at \$50.00 for the first \$10,000.00 of gross purchases and 20 cents per hundred gross there after. Why are the builders/contractors/developers paying the least amount of taxes and everybody else is paying more? She stated she doesn't understand this and thinks it is something that also needs to be taken care of. She doesn't feel like the people can take anymore. The city is bleeding them dry. There has to be some other way for each of the departments to scale back. Everything is bad. If you go to the store to get a cart of groceries that totals \$100.00 but you only have \$25.00, what do you do? Do you grab from somebody else or do you put things back? That is what people have to do and it is rough.

Larry Sullivan of 504 Eagle Drive stated he is sorry he is here. The citizens elected the members of council thinking they were of wise demeanor, good character, and honest citizens. In two years, his taxes have doubled. He is retired. It takes one check out of every six of his social security every six months just to pay the taxes on his home. He has lived here since 1964. He worked hard. He paid for his home and

he would like to keep it. His neighborhood is mostly retired people. Most of them are in the same situation. He holds a part time job. Most of his neighbors don't. The sentiment from most of us is we don't want a tax increase. He understands it is tough to run a city. Most things are expensive. Education is expensive. A lot of things are expensive. But the time has come for this Council to realize we can't afford everything. When he read in the newspaper that the city is going to give the George Washington Hotel a five year moratorium on city taxes that did it. He would like to have a five year moratorium on his taxes. The George Washington Hotel is a great project. It's going to be good for the city but it is private enterprise. It is not public. We have a \$70 million dollar high school that is public. It's wonderful. It's the prettiest building in the state of Virginia, probably in the country. He stated he thinks it is too much money but, he would rather it be spent there. At least the kids will get the benefit. He read there is some ordinance that the hotel qualified for because of how long it was empty and how large it was. That is why it could get this free ride for five years. Are there any other buildings that qualify for that in the City of Winchester or is that the only one? The other issue he has is we have a council that is going to shrink in size in November. In the North Ward, there are six of you that come that ward. Five of you have a term that expires in November, one does not. At least four of you will not be back. So you are going to increase his taxes now and then be gone. He doesn't think that is fair. Another problem is the city does all of these nice projects but it seems none of them get done on time and they all cost more when they are done than when they started. Now, how are we going to cut costs? That seems to be what everyone wants to do so he has a suggestion. For two days a week, all of the city officials should not use city vehicles to do their job. They should walk or ride bicycles. The city has bicycle trails that have appeared around town but no body seems to use them. He drives down Valley Avenue at least five times every day and has seen eight bicycles since the project has been done. Three of which were not on the trail, they were in the street. Council knows how he feels and how most of the people here tonight feel; their job is to represent the citizens. We say no, no, no.

Vivian Roystow of 411 Marion Street stated she retired in the year 2001 and wanted to share what she has paid in real estate taxes since then. In 2003, she paid \$904.00. In 2004, she paid \$1222.00. In 2005, she paid \$1552.00. In 2006, she paid \$1702.00. Last year, the city increased real estate taxes 35-40%. She thought that should be good for a couple of years. In 2007, she paid \$2299.00. She stated that takes two months of her income to pay her real estate taxes in Winchester. She asked what the tax is that the hotel is exempt from and is it the same tax the citizens pay. She stated she had a business in downtown Winchester and she paid an extra mall tax besides the real estate tax. What kind of tax is it?

Vice-Mayor Buettner stated it was an ordinance passed to take care of white albatrosses throughout the city. There are several buildings that have no real value or use for them, not just the G.W. These businesses could generate sales tax for five years. The idea is to get these buildings occupied and opened. He stated Mr. Williams just verified it is not an exemption. It is a rebate after the fact if they come in and do what they are supposed to do which is generate jobs and get people on the mall in the GW case. If they renovate a building, they are taxed at the new assessed value especially buildings that are under utilized or not being utilized to their full

potential. It is a short term rebate to get those buildings in operation. It would benefit the city greatly in the long run.

President Gaynor added the property would have to be vacant, not in use for two years, and must be over a certain square footage. It also has to be a new business that will hopefully bring new jobs and tax revenue.

Mr. Williams stated anyone can get a copy of the ordinance by contacting the clerk's office in City Hall.

Ms. Roystow stated that this is putting a major hurt on the senior citizens. They retire on a certain amount of money and everything keeps going up. The price of gas is three times what it ever was. The grocery store is double. What you use to spend \$50 for now costs you \$100. She stated she may end up having to sell the house and rent herself a two room apartment because she can't keep paying taxes like this.

President Gaynor stated that he hates for people to speak and think nobody heard them. In regards to the hotel tax and meal tax, we do tax meals higher than any other. Hotels pay a local tax. We tried raising the sales tax in 2001 but the General Assembly voted it down. Frederick County and Winchester would each be getting about \$10 million additional money each year if that had passed. The beauty of that concept was that the people around this area including another state would pay a substantial portion of it. The other points made were well taken too. Council told everyone that \$50 million dollars of tax payer money would go into the Handley project and that is all the tax payer money that is going into the building. The naysayers said it would be more and laugh every time we said it but the people around this table told you the truth. That \$50 million dollars included the trailers, equipment to refurbish the school, and furniture. The School Board stated that is the total bill and they would not come back and ask for more. Looking at the square footage of the building, for \$50 million dollars of your money, you got a good deal. Don't forget, it wasn't just Handley. We either had to build a new elementary school or we had to do something at Daniel Morgan. Although you don't agree, council has tried to be good stewards of your money. He stated exactly one year ago, he was asked what would happen next year concerning tax increases. He said we might be looking at a minimum of 3 cents tax increase next year. We did not lie about that. Council has done everything they can to keep this city operating. You are going to hear about the reserves. In 1998, we had \$3.3 million dollars in reserves for the city. Today, un-earmarked reserves are about \$22 million dollars. By building up the reserves, it allowed the city to get a much better favorable bond rating for the work the city has done.

With no further citizens to address Council, President Gaynor closed the public hearings at 8:04 p.m.

- Public Hearing: AN ORDINANCE TO CONVENTIONALLY REZONE APPROXIMATELY 2.00 ACRES OF LAND FROM INTENSIVE INDUSTRIAL, M-2 DISTRICT TO COMMERCIAL INDUSTRIAL, CM-1 DISTRICT AT 2609 PAPERMILL ROAD (Section 291, Double Circle 1, Lot 9), ZONED INTENSIVE

INDUSTRIAL, M-2 DISTRICT. The Comprehensive Plan calls for light industrial use. RZ-07-14

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 8:05 p.m.

- Public Hearing: AN ORDINANCE TO CONDITIONALLY REZONE 0.203 ACRES OF LAND FROM COMMERCIAL INDUSTRIAL, CM-1 DISTRICT TO CENTRAL BUSINESS, B-1 DISTRICT AT 419 NORTH CAMERON STREET (Section 173, Double Circle 1, Block L, Lot 10A) AND 21 CLARK STREET (Section 173, Double Circle 1, Block L, Lot 8), ZONED COMMERCIAL INDUSTRIAL, CM-1 DISTRICT. The Comprehensive Plan calls for light industrial use. B-1 zoning permits densities ranging from 30-68 units per acre. RZ-08-01

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 8:06 p.m.

- Public Hearing: AN ORDINANCE TO CONDITIONALLY REZONE 0.6069 ACRES OF LAND FROM MEDIUM DENSITY RESIDENTIAL, MR DISTRICT TO HIGHWAY COMMERCIAL, B-2 DISTRICT AT 630 SNYDER LANE (Section 329, Double Circle 1, Lot 14), ZONED MEDIUM DENSITY RESIDENTIAL, MR DISTRICT. The Comprehensive Plan calls for low density residential use with commercial use immediately to the East. RZ-08-02

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 8:06 p.m.

- Public Hearing: AN ORDINANCE TO VACATE AND CONVEY TO FREDERICK COUNTY SCHOOLS THE EXCESS RIGHT OF WAY AT THE TWO DRIVEWAY ENTRANCES TO JAMES WOOD MIDDLE SCHOOL AT 1313 AMHERST ST SV-08-01

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 8:07 p.m.

- Public Hearing: AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 29-11 AND 29-13 OF THE WINCHESTER CITY CODE PERTAINING TO AN INCREASE IN WATER AND SEWER RATES.

A citizen asked if this meant the rates would go up. Councilor Helm stated they would increase by 33%.

With no further citizens to address Council, President Gaynor closed the public hearings at 8:08 p.m.

- Public Hearing: Request of S&J Enterprises/Buffalo Wild Wings Grill and Bar for a Conditional Use Permit for a nightclub at 5 Weems Lane (Section 271, Double Circle 4, Lot 1) zoned Highway Commercial, B-2 District. CU-08-05

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 8:09 p.m.

- Public Hearing: 2008-2012 Consolidated Plan for use of CDBG and HOME funds

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 8:09 p.m.

- Proclamation for Holocaust Commemoration Day.
- Other Comments

Greg Ashley addressed Council on the behalf of Kim Rennie of 1101 Orchard. Mr. Ashley emptied a bag of garbage onto the floor in Council Chambers and asked how that made everyone feel. He asked Council to imagine they had trash dumped like that in their backyard everyday. What would they do? Contact the city department that was responsible for enforcing the littering ordinance? What would you expect them to do? He stated we have been complaining about this situation for 13 years to the Building and Inspections department and have repeatedly been told verbally this is a civil matter. Sherry Starliper refused to put the statement in writing. When she visited the property to assess the situation, she smiled and suggested we simply throw the trash back over the fence. The city code wisely puts the burden of enforcement on the Building and Zoning department. This department shows zero follow through on any of Kim Rennie's complaints and many of them aren't even on file. We have received this treatment of indifference from many people in the Winchester City Government. Last fall, two men hired by the city were found whacking down trees in our backyard with a machete in order to clear a line of sight for surveying the water drainage. We were never given prior notice for them to be on the property. When they were discovered, they were told to stop cutting down trees and were allowed to continue their surveying work. Later that day, it was discovered that they had indeed continued to cut down trees. We were not even allowed sight for what they were surveying. They left behind numerous three or four foot pipes, random construction trash and random brush they had cut. In the course of four days, Kelly Henshaw and Drew Brady from the Engineering Department were difficult to reach. Although they promised four solutions at various points, none of the solutions came to fruition and he ended up cleaning up the mess himself. He attempted to go through City Manager Ed Daley, who he realizes is no longer with the city, but he was unable to make an appointment with him for over three weeks and never returned any of the phone calls. When he was able to reach him on the phone, Mr. Daley was extremely rude. The Winchester Police Department refuses to release the names of the individuals who have trespassed on his property making it almost impossible to prosecute them. Their response time to three separate 911 calls over the same incident while we were being assaulted by someone throwing asphalt and threatening their lives in their own backyard was over an hour. The officer told them that if they still wanted to press charges tomorrow, he would give them the man's name then and he never returned their calls. The magistrate's office told them they couldn't file any charges without the names of the individuals to be charged. He found out later that they routinely call

the Police Department to find out the information. So he asked Council what they are supposed to do to protect their property. The Police say we are not allowed to detain anyone found trespassing, littering, stealing, or destroying our property. He was also told by various police officers on the same day 1) to go ahead fix the fence if we don't like it, 2) to not fix it because we would be considering trespassing and destruction of property ourselves, 3) to put up cameras, and 4) the cameras wouldn't prove anything unless they are installed by a "certified, surveillance company and the video would have to be certified as well". When he asked Officer Blake what was meant by certified, Officer Blake was unable to define it. He asked why the city codes are in place if they are not going to be enforced. Here is a partial list of what we have been enduring: trash constantly thrown over our fence or coming through, glass bottles, diapers, condoms, dog excrement, food items, car parts, tires, etc. The dumpster that backs up to our fence is constantly overflowing and when it is emptied the loose trash is left behind and there is a constant rotting trash smell. The fence is constantly being knocked over. The hole in the fence is large enough that we have appliances, furniture, brush, and miscellaneous construction debris constantly being dumped on our property. The fence is never completely secured properly. Plus, it is missing numerous boards and is in total disrepair. It is not a style of fence that addresses the needs of the situation. We have a constant problem of trespassers since the fence isn't very effective. We have had property stolen and destroyed including the "No Trespassing" signs we constantly have to put up. A summer ago, a contractor re-asphalted or re-concreted the entire parking lot. When he was done with the job, he took out a couple of sections of the fence and all of his loose asphalt and construction debris was scraped into our yard before the fence was put back in place. He can show you numerous places where oil was dumped along the fence on into the driveway. All of this takes time and money away from us to actually do improvements on our own property. This situation has also caused our property to be royally devalued as told by a recent appraisal. Our backyard should be livable, habitable, clean and safe. We strive for this. We come to the City Council with little hope as the rest of our time with the city's employees have given us nothing to make us believe that anyone cares. The last letter of complaint was sent by certified mail. Six notices were delivered back later that Danny Mowery could not find the time to sign for it. Mr. Ashley presented Council with copies of the letter and stated Mr. Mowery has never seen the letter. He asked Council to come over and assess the situation for themselves to see it is not being exaggerated. He stated Ms. Rennie would be available Wednesday night and all day on Thursday. This is their last attempt to resolve this before they file the city code violations themselves against Mr. Buzzy Smith. He feels this should not be necessary as it will tire resources, both the city's and our own. On the list, there are 23 separate city codes that Buzzy Smith's property is in constant violation of.

President Gaynor asked if Buzzy Smith was the owner of the property and if it was a rental property or apartments. Mr. Ashley stated Mr. Smith is the owner and it is the Franklin Street Apartments. President Gaynor assured Mr. Ashley that he would be hearing from them soon.

Glenn Mann of 840 Berryville Avenue stated he is the district manager of the Winchester market for CVS Pharmacy. He is here to oppose the removal of the stop

light on Berryville Avenue that is located in front of our new location. The stop light was installed to promote economic development for the city of Winchester. With the removal of the stop light, we feel you are going to hamper that with the shopping center that is adjacent to us that is currently sitting about 75% empty at this point. Removing the stop light will result in hampering that center. Also, not getting the stop light would have caused us to probably relocate to where Martin's Foods is located on the opposite end of 81 which is in the county. If you look at why you approved the stop light which was for economic development that is what you need to consider.

Cynthia Butler of 424 North Kent Street stated she is the Executive Director for Visions Transitions Household. She stated she wanted to get more clarification on the ordinance for the CDBG and how it will impact affordable housing and the Kent Street area. She has a background in grants and works in the Justice Department. Her understanding is when a community receives CDBG grants; it is for the benefit of that under served community. She wants to make sure that Vision and other community organizations in that north end area are consulted on the utilization of those funds. She asked if there is a committee that they need to sign up for. She stated they are in communication with Martha but want to make sure they are actively engaged in the utilization of the funds.

Councilor Coyne informed Ms. Butler that this will be taken up at the next HEW meeting which will be held on May 5th at 7:30 a.m. in Council Chambers.

With no further citizens to address Council, President Gaynor closed the public hearings at 8:22 p.m.

FINANCE AND ADMINISTRATION

- Second Reading, by title, for adoption: AN ORDINANCE TO AMEND AND RE-ENACT SECTION 27-10 OF THE WINCHESTER CITY CODE BY CHANGING THE TAX RATE ON REAL PROPERTY FROM SIXTY-FIVE CENTS (\$0.65) FOR EVERY ONE HUNDRED DOLLARS (\$100.00) OF THE ASSESSED VALUE THEREFORE TO SEVENTY CENTS (\$0.70) FOR EVERY ONE HUNDRED DOLLARS (\$100.00) OF THE ASSESSED VALUE THEREFORE.

Councilor Coyne motioned to amend the ordinance to reflect a rate of 68 cents per hundred rather than 70 cents per hundred. *The motion was seconded by Vice-Mayor Buettner.*

Councilor Masters stated he would like to take a few minutes to tell the city government and the citizens why he is opposed to the amendment. On March 25th of this year, Winchester City Council held its work session to hammer out the details of tonight's meeting's issues. One of the issues discussed was the final tax rate for real estate for the citizens of this community and the consequences of our decision. At that meeting, he said he would not support any tax increase. In that case, what he did was to acknowledge the severe economic crisis permeating world wide, nationally, state, and locally. Today, we read Al Greenspan says we are in the worst economic, worst credit crisis in 50 years. Our small business optimism is at a 22 year low. On April 2nd of this year, the

International Monetary Fund publicly stated “this is the worst economic crisis since the Depression.” Wouldn’t it be nice if our city could be isolated from our country’s economic problems, but, we do not exist in a vacuum. One of the consequences of his decision to hold the line on tax increases was to deny an across the board pay increase to city employees. He believes Winchester has the finest, most dedicated employees of any jurisdiction but an across the board pay increase does not solve the crisis that is affecting several departments in the city government. Typically, an across the board pay increase, percentage wise, splits up the total funds to all recipients, some of whom might not be properly compensated. Due to high turn over rate in critical areas, the overall turn over rate for the city work force is approaching 25%. Every four years, we have a 100% turn over rate. This places an additional stress on the affected departments and significantly places increase work loads on the Human Resources Department. Cost incurred by this turn over is significant due to the hiring, rehiring, training and retention programs. Some departments have no turn over and job satisfaction is higher. This is not the case in every department. One department needing immediate attention, he believes, requires a restructure of pay. A 3% or \$0.51 per hour pay increase, he believes, will not solve issues facing that department. As much as he would like to hand out across the board pay increases, he cannot in good conscientious, do such in light of today’s economic conditions. The votes over the last two to three years predicted our dilemma today yet each year we have raised taxes while some of our services have been reduced. In December 2004, we raised personal property taxes for vehicles under \$20,000.00 by 95%; the taxes placed on business personal property also. In April 2005, we increased real estate tax due to an assessment increases by 24%. In April 2006, we increased the real estate tax rate by another 9.5% and in May 2007, there was a 32% average real estate tax increase. We have had our water and sewer rates increase recently and the possibility of rates increasing another 30% is possible. Winchester has a high percent of fixed income citizens and the increase in food, medical and energy costs is pushing some into social welfare programs. The city is facing a severe decrease in revenues. Recently, Council received information stating the following: “Business license revenue is based on gross receipts. The city is \$725,000.00 short on budget for this fiscal year. This is a reality of the down turn of our economy as well as the whole nation. Couple this with the approximately \$400,000.00 in reduced sales tax revenue projected this year and one can see why the city is struggling.” In light that the entire community is reacting to the down turn in the economy and faced with inflationary pressures, he feels that not only is the city government struggling but also our citizens. The city’s economic plan has had a positive impact and we must be supportive of their endeavors. But, we must not place financial road blocks in their paths. One of the goals for the new economic development plan is to increase our retired group or empty nesters. The high tax rates, fees, and licensing requirements discourage retirees from residing in the city. City businesses are constantly challenged for revenue due to higher personal property and real estate taxes that are in addition to insularly taxes that competing surrounding areas do not impose. Recently, Council received a series of graphs that showed the revenues and expenditures of the city. These charts are quite revealing. Our own fund balance, referred to as reserves or rainy day fund, has risen over 500% in 9 years. This begs the question why did we tax so much to arrive at this point. Would it not have been better for our citizens to retain their own money after we reached the fund balance suggested by underwriters? We must not down play these facts. He said do not construe that he is totally anti-tax or anti-fee increase, for he has voted for increases in both. He also believes that each

member feels total conviction for the way they will vote and will be equally willing to defend their stance. The very essence of our difference of opinions should give comfort to the citizens of our community that we are striving to address the total array of issues that confront us. Governments do not have risks that the private sector does because it can simply raise taxes. Tax payers on the other hand are faced with risks that sometimes are life changing. Ultimately, the voting public will decide our path. Therefore, he is asking to amend the motion before us that there be no real estate tax increase, that there be no across the board pay increase, that there be an immediate adjustment in the non-competitive pay scales for departments faced with hiring and retention issues, and all necessary budgeted items be funded entirely from the rainy day fund.

Councilor Coyne's amendment was unanimously approved by voice-vote.

Councilor Coyne stated that from the point of order, Councilor Master's amendment should only be to adjust the tax rate and the rest of the items should be in the budget.

Councilor Master's amendment to have a zero tax increase was seconded by Councilor Major.

Councilor Major stated he has a lot of respect for Councilor Masters and feels he made valid points about the state of the economy and the state of the nation and what is going on right now. The one thing that concerns him is we have already made cuts. We made a statement that we would have a zero tolerance on the down side of illegal immigration and gang violence. We have cut police positions. The last thing he wants to do is cut police positions. We had our city manager go department by department and make cuts on how we do business, up to 5% in a lot of areas. None of that changes the fact that the city has expenses that have increased too. He called around today to some of the departments and have sat in on some of the budget talks going on in the departments. For an example, the reflective tape used to make street signs has gone from \$600.00 last year to \$1500.00 this year. Do we stop making speed limit signs? We have 450 different vehicles in the city. Someone mentioned have employees ride bikes two days a week. We won't have to worry about increasing salaries for the employees because they will all be gone. That is not a very realistic suggestion. There may be some ways to look at the fleet management and do some things but the cars, truck, school buses, and fire trucks need fuel, maintenance, and repair. All of those costs have shot up just like they have for his family and your family; they have for the city too. Our employees are people who have had increases in their lives too. We have done plenty of salary studies that show we are not very competitive with some of our neighbors. We are just trying to keep from having a 25% turn over ratio. It costs a lot more to get a new employee because someone wants to go make \$3.00 more an hour somewhere else than to give that person a 3.5% raise. When he looks at the tax increase or anytime he looks at the budget, we have to look at things as are they a good investment for the city. He thinks things like increasing employees' salaries to get them more competitive so you don't have a turn over ratio are good investments. He thinks that being able to have an economic development tool like the ordinance the George Washington Hotel can take advantage of is an excellent economic development tool. Part of the reason we are in this situation is our sales tax revenues have decreased. We are trying to put some procedures, ordinances and programs in place so we don't have to continually come to you folks for a property tax

increase. The other part to remember is every year we get less money from the State and Federal Government. The 599 fund was cut \$450,000.00 by the House of Delegates that we don't have now. Did your income tax go down? Did you make this same argument to Beverly Sherwood or Jill Vogel when they were in session? We are trying to tread water here. We get less and less funding from the State Government but everyone expects us to have the same level of services. Everyone wants us to address problems like the gentleman with the trash in his backyard, which we will address. You put all of this together and say what are we going to do? Nobody wants to raise your taxes again but we don't want to lose employees, we don't want to have to cut police, we don't want to have to cut training. We have had two incidences in the past, the Handley gun incident and the attempt suicide Sunday night, both of which were handled expertly, properly, and with a great outcome by a well trained, well equipped police force. That costs money. It costs money to train that officer on how to use a less than lethal projectile. It cost money to have that tool available. It costs money to retain that employee and be able to have outcomes like that. He just gets a little frustrated when people think we just have all of these programs out there that we are just swamped and are trying to find more programs. We are just trying to tread water. He appreciates the situation that Councilor Masters described but he doesn't see any other answer than to increase taxes. He's sorry but he doesn't see any other way right now. We also have bills that have to be paid. Part of the increase goes to the Handley bond issue. Part of the water and sewer rate increase goes to paying for Town Run. We have incurred some costs in the past that we now have to pay those bills. We don't have a choice about that. We don't have a lot of options as far as other sources of revenue. We live in Virginia, that's the law. As City Council, we have very few options we can do. Most of what we can do, we have already maxed out.

Vice-Mayor Buettner stated there have been a lot of comments made about thinking out of the box and finding other ways to raise revenues. Everyone at this table would love to have those options. There are states in this nation where you can assess additional sales tax. You cannot do that in Virginia, it is not an option. We tried, we were denied in the House. There are states where you can assess true impact fees to developers, not in Virginia. There are states where school boards have taxing authorities therefore becoming directly accountable to citizens, not in Virginia. The two things that we do that generate any substantial income are sales tax, which is down, and property tax. As Councilor Major said, we are treading water. We are not looking at new programs. We are not looking at all these new and exciting ways to spend money. We are trying to stay even. Someone asked why we don't tax liquor. Liquor is taxed in the State of Virginia and this year the State of Virginia decided they were going to keep it. It's no longer coming to the localities. If you really want to affect change in the way our tax structure works, he suggests starting in Richmond. They are the ones that dictate what we can do. We operate under the Dillon Law which states a locality can only do that with the powers expressly given by the state. The majority of the states operate by you can do something until you are told you can't. We can only do what we are told we can and there is a huge difference. He would ask everyone to write their representative and tell them you are fed up with this. Councilor Major also mentioned the fact that we see decreasing funds. That would be nice if we also had decreasing obligations from the state. The way we have to educate children today costs a tremendous amount of money from the federal level with No Child Left Behind and the state level with SOL's. Each year, we get decreased funding from both of those entities yet we are still required to meet the

standards they impose upon us. That's not fair but its life. We've got to come up with ways to make up that difference. Unfortunately, one of the only ways in which we can do that is real estate taxes. He doesn't like it. It's hard for us too. He has a small business. With the housing market, it's tough for everybody. It's not a good time to do it but the reality is we've got be able to put the revenues in to maintain a certain level of service. That is where we are. We have looked at this extremely closely. We've cut more this year than he has ever seen cut in the past. Some of the things, to him, have been cut too far but we understand the problem. We could have used a \$0.10 cent increase but none of us could have justified that but it is necessary if you look at the numbers. It is not pleasant. He is not happy about it and neither is anyone here but that is the reality we are facing.

Councilor Coyne stated he does respect Councilor Masters opinion and knows they are well thought out and heart felt. The 3 cent real estate increase will not make up for the \$700,000.00 and \$400,000.00 decreases mentioned by Councilor Masters. We are still in the hole. He hears what everyone is saying and doesn't think anyone gets any joy out of doing this but we are an aging city. We have major infrastructure issues on the horizon that we are trying to deal with along with what we have had the last several years. But, there are others out there with the water and sewer lines and the Opequon Water Treatment Plant. These are very tough decisions but if we are to remain viable as a city, we have to be able to raise these revenues that Richmond allows us to. It is the only mechanism we can. We have looked at all of the other taxes from meals to hotel tax. The 16 cents contractor rate mentioned is a different rate that is not a real estate rate. That is a different tax that we are tapped out; we can't go up any higher on any of those. We are left with one of the few things in the arsenal we have to deal with. We have looked at this budget and will look at the budget in the next month. We've already had some projections and it's going to be cut as tight as we can make it and still provide the services the citizens' demand in the city. These are very difficult choices. The economic times are tough but he prefers to take some optimism from Chairman Bernanke's testimony last week that the economy is going to turn around hopefully by the end of this year or beginning of the next and we are not facing a depression. The economy will turn and some of our other revenues can increase and that will take the pressure off the real estate base. He will support the \$0.68 cent rate.

Vice-President Griffin stated there is a saying that what goes around, comes around. That is kind of where we are tonight because she sat here, as well as Mayor Minor, 15-18 years ago when we did take money from the reserves to stay a float. It was not to increase the state of our infrastructure. We did that year after year after year until reserves weren't great and our bond rating was high. That is kind of why we are where we are today, what comes around, goes around. We took from reserves. We took from reserves. We couldn't fix the infrastructure. So here we are, we got way behind on projects and are raising taxes again to try to stay a float. She is sorry that 15 years ago she didn't speak a little louder and say a penny or two won't hurt. We took the money from the reserves and are paying in the long run for it. She is sorry but she is going to support the 3 cents.

Mayor Minor stated to Mr. Sullivan that the Council members are honest people. They have worked very hard and have been very diligent. She has the privilege of serving with

some of the most caring, serving people in the city of Winchester. We have looked at everything. She thinks most of them have attended all of the Finance Committee meetings and have looked long and hard at everything they could. Mr. Godfrey has done a good job of cutting out what we can cut out. She thinks they all hate to vote on this tax increase. It affects every one of those sitting around the table. They are not exempt from it. It is a tough decision. It is truly hard to sit behind this table and the chairs get very uncomfortable when it comes to a vote like this. But, it is one that has to be made and she thinks it is for the betterment of the city. She will support the tax increase.

Councilor Butler stated no one wants to raise taxes. He addressed Mr. Palmer and stated that he doesn't disagree with him. It is tough and he knows it. The term has been used "treading water" and that is what we are doing. At the same time we are treading water, we are trying to keep moving ahead. He thinks Vice-President Griffin said it so well, instead of taking it out of reserves, we try to move along at the same time and not get caught in that trap. We have got to still have a vision and look ahead. We can't look behind. We still have to have that goal out there. Times may be tough but tomorrow comes. Hopefully, we will see a turn around in the next 8-9 months. The bottom line is do we want a city we are proud of and we can embrace or do we want a city we are afraid of and ashamed of. We have got to continue to move ahead. We are not moving ahead very much right now. We've got to continue to pay the bills, make sure services run, and make sure important projects continue to move along. When tomorrow does come around, we are not looking back and asking why things weren't done and what was wrong. We need to continue to look ahead and that is what we are trying to do. We are trying to make sure we are in the position that when tomorrow does come, we have not put ourselves in a hole and we can continue to move ahead and continue to improve this city.

Councilor Masters stated he respects everyone's opinion here tonight. He just feels that one part is being crossed over and that is we have almost 100% more reserves than our bonding agents require. We are sitting on 40% reserves and they are asking for 20-25%. We are looking at several millions of dollars, \$10-12 million dollars in excess. That money was collected through some rather heavy taxing years. All he is asking is that there is a hope to put that to an end and get a break. He too feels that Mr. Bernanke has given us some hope but he doesn't think hope is the policy. That is something we have to deal with as reality and is really as frustrated as you are too. We are sitting on a lot of money and he doesn't think it is the year to increase the tax rate.

Councilor Helm stated he agrees hope is not a policy but reality is harsh. He and Councilor Masters have shared a lot of angst on this and they differ. They differ on a couple of things not the least of which is the reserves policy. Reserves are just that. They are to get you out of a hole that you don't see coming. It wasn't that many years ago that we spent \$19 million dollars rebuilding a water main that we had neglected for 40 years. We are just over \$20 million now in reserves. If we have a similar catastrophe, we would be in big trouble. He shares the sentiments about the tax burdens. He hears them and he feels them too. His taxes on his house went up 30% last year. We can't wish this away nor can we stop educating children or putting police on the street or having professional people addressing the problems that this city has. We don't do this for fun. This is not discretionary activity up here. We are talking about cranking down

to basic services and asking every department in the city to reduce their budget and not hire new people. If anyone thinks there is fluff in this budget, he challenges them to be at the meetings and point to it. Tell us what it is you would like us not to pay for. We would love to hear it. We do not have the monopoly on good ideas; bring it all the time, we need to hear it. We do have basic things we are obligated to provide. We can't at this point crank down tighter than this and provide the basic services that our citizens expect. He will also bring up that it was 4 years ago that we launched the school projects that had been neglected for 40-50 years. We knew there was a time to pay the piper when the bond issues were due to be paid. If you go back and do the extrapolations on what this body has done, we are right on target. We are not spending more than what we told you we would spend four years ago. Many of your children came in here telling us we need to do this. We needed to do this for our kids to be educated. We neglected it too long and that is what we did. It is time to pay the piper and we only have so many tools. We can't think outside the box and make up ways to get revenue. It's not legal and he is okay with that. To give them the discretion to discriminate to forgive people of tax burdens because they are on a limited income or a given age or live in a certain community or town that doesn't consume services leads to some heinous possibilities that he does not want the responsibility to make that decision. He wishes he could say we could go ala carte. If you don't have children, you don't have to pay taxes. If you don't have police come to your house, you don't have to pay taxes. It's not legal nor should it be. He wishes he could soften this blow. He really wishes they could find some way to do this but this is the card game we are in and this is the hand we are dealt. He doesn't see a responsible way out of it other than where we are and what is proposed. He is listening but we have to have a pathway forward and "no" is not always the answer.

President Gaynor stated the reserves can be very misleading. It is one thing to take money out of the reserves for a capital project. But, he doesn't think the citizens want their city to resort to funding their operations out of reserves. He doubts anyone funds on credit. It comes a time when that bill has to be paid. Picture this; we take \$3 million out of reserves this year instead of a tax increase. That is equal to a 10 cent tax increase. What happens next year? If we are funding operations out of that \$3 million dollars, where does the next \$3 million come from? Do we lay off firemen? If you start the bad habit of funding operations, not projects, out of reserves, it is going to catch up to you quickly. If you take the \$3 million, he can sit here and tell you that next year taxes will have to go up 10 cents to fund that unless we take it out again. Our police officers or Fire & Rescue people almost can't have a family in Winchester. They only start out a few thousand above poverty level for a family of four. He would like to think that if he is gasping on the kitchen floor, the person who comes has done more than spent the night in a nice hotel room. Loudoun County pays \$10-\$15,000 more. We can't even attempt to get to that but we lose people to them every month. In a couple of our departments, the situation is getting critical. To put things in perspective, everyone has tried to sum up what we want for this city, and there is one fact that hasn't been addressed yet. There are three cities in the State of Virginia that are comparable but fall into a lower tax rate than the City of Winchester., Harrisonburg, Williamsburg, and Fredericksburg. You can argue their property values aren't as high but what sells for \$700,000.00 there, sells for \$700,000.00 here. Each one of those cities has a major university which is a cash cow for the city.

Councilor Clark stated we have talked a lot about this but one thing he wants to echo to the citizens is that the budget is as tight as we can get it. We have sharpened our pencils and asked the departments to cut 5% across the board. If we don't increase our employees' salaries and ask them to pay more on their insurance, we are going to lose more employees and have a higher than 25% turn over rate and that is simply unacceptable. It will cost the city more money. It is not a fiscally sound solution to not take care of the people who work for us. The problem we are running into is deferred maintenance. The city has a hundred miles of streets. A hundred miles of water mains that have not been taken care of for a long time. Some of the water mains are a hundred years old. The time has come that we have to replace these things and our aggressive schedule is two miles a year. That is not a very aggressive replacement schedule and he fears we will have to live with that again. We cannot any longer put off the maintenance we have to do for the infrastructure of our city. That is why he is supporting this increase.

President Gaynor called for the vote on Councilor Masters amendment to change the tax rate to \$0.65 instead of \$0.68. *The amendment was defeated with a 1-9 vote, Councilor Masters voted for the amendment.*

President Gaynor called for the vote on the main motion for a tax rate of \$0.68 cents per hundred and stated it calls for a roll-call vote.

The motion was adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Vice-Mayor Buettner	Aye
Councilor Butler	Aye
Councilor Clark	Aye
Councilor Coyne	Aye
Vice-President Griffin	Aye
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Nay
Mayor Minor	Aye
Councilor Nelson	Absent
President Gaynor	Aye

- First Reading, by title: AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY OWNED BY SHENANDOAH VALLEY COMMUNITY RESIDENCES, INC., EXEMPT FROM CITY TAXATION PURSUANT TO SECTION 58.1-3651 OF THE CODE OF VIRGINIA

PLANNING AND DEVELOPMENT

Chairman Griffin presented the following:

- Second Reading, by title, for adoption: AN ORDINANCE TO CONVENTIONALLY REZONE APPROXIMATELY 2.00 ACRES OF LAND FROM INTENSIVE INDUSTRIAL, M-2 DISTRICT TO COMMERCIAL INDUSTRIAL, CM-1 DISTRICT AT 2609 PAPERMILL ROAD (Section 291, Double Circle 1, Lot 9), ZONED INTENSIVE INDUSTRIAL, M-2 DISTRICT. The Comprehensive Plan calls for light industrial use. RZ-07-14

The motion was adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Vice-Mayor Buettner	Aye
Councilor Butler	Aye
Councilor Clark	Aye
Councilor Coyne	Aye
Vice-President Griffin	Aye
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Aye
Councilor Nelson	Absent
President Gaynor	Aye

- Second Reading, by title, for adoption: AN ORDINANCE TO CONDITIONALLY REZONE 0.203 ACRES OF LAND FROM COMMERCIAL INDUSTRIAL, CM-1 DISTRICT TO CENTRAL BUSINESS, B-1 DISTRICT AT 419 NORTH CAMERON STREET (Section 173, Double Circle 1, Block L, Lot 10A) AND 21 CLARK STREET (Section 173, Double Circle 1, Block L, Lot 8), ZONED COMMERCIAL INDUSTRIAL, CM-1 DISTRICT. The Comprehensive Plan calls for light industrial use. B-1 zoning permits densities ranging from 30-68 units per acre. RZ-08-01

The motion was adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Vice-Mayor Buettner	Aye
Councilor Butler	Aye
Councilor Clark	Aye
Councilor Coyne	Aye
Vice-President Griffin	Aye
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Aye
Councilor Nelson	Absent
President Gaynor	Aye

- Second Reading, by title, for adoption: AN ORDINANCE TO CONDITIONALLY REZONE 0.6069 ACRES OF LAND FROM MEDIUM DENSITY RESIDENTIAL, MR DISTRICT TO HIGHWAY COMMERCIAL, B-2 DISTRICT AT 630 SNYDER LANE (Section 329, Double Circle 1, Lot 14), ZONED MEDIUM DENSITY RESIDENTIAL, MR DISTRICT. The Comprehensive Plan calls for low density residential use with commercial use immediately to the East. RZ-08-02

The motion was adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Vice-Mayor Buettner	Aye
Councilor Butler	Aye
Councilor Clark	Aye
Councilor Coyne	Aye
Vice-President Griffin	Aye
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Aye
Councilor Nelson	Absent
President Gaynor	Aye

- First Reading: AN ORDINANCE TO CONVENTIONALLY REZONE 0.09 ACRES OF LAND FROM COMMERCIAL INDUSTRIAL, CM-1 DISTRICT WITH HISTORIC WINCHESTER, HW DISTRICT OVERLAY TO CENTRAL BUSINESS, B-1 DISTRICT WITH HISTORIC WINCHESTER, HW DISTRICT OVERLAY AT 421 NORTH CAMERON STREET. The Comprehensive Plan calls for light industrial use. B-1 zoning permits densities ranging from 30-68 units per acre. The proposed rezoning is to eliminate an isolated CM-1 zone that will remain subsequent to rezoning of surrounding properties. RZ-08-03
- First Reading: AN ORDINANCE TO CONVENTIONALLY REZONE 10.894 ACRES OF LAND FROM EDUCATIONAL, INSTITUTIONAL AND PUBLIC USE, EIP DISTRICT, HIGH DENSITY RESIDENTIAL, HR DISTRICT AND INTENSIVE INDUSTRIAL, M-2 DISTRICT TO HIGHWAY COMMERCIAL, B-2 DISTRICT AT PROPERTY NOW OR FORMERLY KNOWN AS 2400 ROOSEVELT BOULEVARD, 2402-2404 ROOSEVELT BOULEVARD, 2417 PAPERMILL ROAD AND 2479 PAPERMILL ROAD AND TO CONVENTIONALLY REZONE 1.142 ACRES OF LAND FROM EDUCATIONAL, INSTITUTIONAL AND PUBLIC USE, EIP DISTRICT TO HIGHWAY COMMERCIAL, B-2 DISTRICT AT 2333 ROOSEVELT BOULEVARD. The proposed rezoning is to facilitate the planned extension of Hope Drive and to facilitate economic redevelopment in the area. RZ-08-04
- First Reading - AN ORDINANCE TO AMEND ARTICLE 18, GENERAL PROVISIONS, OF THE WINCHESTER ZONING ORDINANCE, PERTAINING TO THE USE AND STORAGE OF RECREATIONAL VEHICLES AND

EQUIPMENT, AND PERTAINING TO OFF-STREET PARKING
REQUIREMENTS ON RESIDENTIALLY USED AND OCCUPIED PROPERTIES.
TA-07-06

- Motion to approve a Request of S&J Enterprises/Buffalo Wild Wings Grill and Bar for a Conditional Use Permit for a nightclub at 5 Weems Lane (Section 271, Double Circle 4, Lot 1) zoned Highway Commercial, B-2 District. CU-08-05

The motion was seconded by Councilor Major then unanimously approved by voice-vote.

- Motion to appoint Perry Eisenach, Frank Wright, and Craig Smith as in-house Viewers for: AN ORDINANCE TO VACATE AND CONVEY TO FREDERICK COUNTY SCHOOLS THE EXCESS RIGHT OF WAY AT THE TWO DRIVEWAY ENTRANCES TO JAMES WOOD MIDDLE SCHOOL AT 1313 AMHERST ST SV-08-01

The motion was seconded by Mayor Minor then unanimously approved by voice-vote.

- Announce the term expiration of Kitty Nicholas as a member of the Winchester-Frederick County Tourism Board expiring June 30, 2008, and direct the Clerk of Council to advertise the vacancy. Ms. Nicholas is not eligible for re-appointment.
- Announce the term expiration of Pat Embry as a member of the Winchester-Frederick County Tourism Board expiring June 30, 2008, and direct the Clerk of Council to advertise the vacancy. Ms. Embry is not eligible for re-appointment.

PUBLIC SERVICES

Chairman Helm presented the following:

- Second Reading, by title, for adoption: AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 29-11 AND 29-13 OF THE WINCHESTER CITY CODE PERTAINING TO AN INCREASE IN WATER AND SEWER RATES

The motion was adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Vice-Mayor Buettner	Aye
Councilor Butler	Aye
Councilor Clark	Aye
Councilor Coyne	Aye
Vice-President Griffin	Aye
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Aye
Councilor Nelson	Absent

President Gaynor

Aye

- Motion to approve a CONCURRENT RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WINCHESTER AND THE BOARD OF SUPERVISORS OF FREDERICK COUNTY TO AMEND THE ARTICLES OF INCORPORATION OF THE FREDERICK-WINCHESTER SERVICE AUTHORITY.

The motion was seconded by Councilor Major then unanimously approved by voice-vote.

- Motion to approve a Resolution authorizing Traffic Signal Removal at CVS Entrance.

Councilor Coyne stated he is not going to vote in favor of this. He is not crazy about the fact the light is there but it was put there for economic development purposes and that is why CVS located there. He feels some obligation on part of the city that because they located there to keep the light. He is going to vote in favor of the next item because he doesn't think the same stipulations apply but in this case he thinks we ought to stand by our word.

Vice-President Griffin asked the staff members if we have a piece of paper we signed on this matter. Mr. Williams stated the only paper he has seen was signed by Tim Youmans at the direction of Ed Daley with no definite duration of time the light would stay there. There was no legal significance to the document as being a binding agreement.

Councilor Masters stated as much as he would like to have it removed, he is not going to vote to remove it either. The fact that the light is there, as far as he is concerned, is implied consent. It is his understanding that CVS paid for that light and the city approved the light. He doesn't see how we can say they put it up against our will and then on a technicality, we can turn our back on this company that has spent maybe \$100,000.00. He knows if we didn't want the light there, it would not have gone up. He can't believe that just out of their generosity of having so much money in their budget, they had an extra \$100,000.00 to give us. Even though he thinks it's a nuisance that impedes traffic, he cannot see how we can deny them access.

Councilor Helm stated although the corridor is an improvement over what was there before, the intersection is a disaster and the spacing is horrible. We are getting ready to spend a million dollars to improve the lights along there and that intersection will cost us another \$130,000.00 to synchronize with the rest of the lights. Councilor Helm suggested to amend the motion to reduce the light to a flashing, cautionary signal until we see how the rest of the corridor adjusts to the plan we have budgeted for Berryville Avenue. *The amendment was seconded by Councilor Coyne.*

Councilor Masters asked if the light will be out of the synchronization pattern once it is complete. Councilor Helm stated it would and could not be put into the pattern because it would not be the same type of technology that will be in place along Berryville Avenue.

President Gaynor called for the vote on the amendment to reduce the light to a flashing, cautionary signal. *The amendment was defeated with a 1-9 vote, Council Helm voted for the amendment.*

The main motion was seconded by Vice-Mayor Buettner then defeated with a 3-7 vote. Councilors Helm, Buettner, and Butler voted for the resolution.

- Motion to approve a Resolution authorizing Traffic Signal Removal at Atwell/Berryville Intersection.

The motion was seconded by Councilor Major then unanimously approved by voice-vote.

- Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Gregory Crawford as a member of the Winchester Parking Authority.

The motion was seconded by Vice-President Griffin then unanimously approved by voice-vote.

COMMUNITY SAFETY

Chairman Butler presented the following report:

- First Reading, by title: AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-27 OF THE WINCHESTER CITY CODE PERTAINING TO THE SPEED LIMIT ON MIDDLE ROAD BETWEEN ROCKLAND DRIVE AND VALLEY AVENUE.
- Announce the term expiration of Richard Ridgell as a member of the Fire Prevention Code Board of Appeals expiring June 30, 2008, and direct the Clerk of Council to advertise the vacancy. Mr. Ridgell is eligible for re-appointment.
- Announce the term expiration of Eddie McClellan as a member of the Lord Fairfax Emergency Medical Services Council expiring June 30, 2008, and direct the Clerk of Council to advertise the vacancy. Mr. McClellan is eligible for re-appointment.

HEALTH, EDUCATION AND WELFARE

Chairman Coyne presented the following:

- Department of Social Services Annual Report.

Allyson Pate, vice-chairman of the Social Services Advisory Board, presented the annual report to Council.

- Motion to endorse the creation of a regional group to study the implementation of the findings and recommendations of the Mental Health Task Force.

The motion was seconded by Councilor Clark then unanimously approved by voice-vote.

- Motion to re-appoint Krista Farris as a member of the Parks and Recreation Advisory Board for a three year term expiring April 30, 2011.

The motion was seconded by Vice-President Griffin then unanimously approved by voice-vote.

- Motion to re-appoint Tim Grove as a member of the Parks and Recreation Advisory Board for a three year term expiring April 30, 2011.

The motion was seconded by Vice-President Griffin then unanimously approved by voice-vote.

- Motion to appoint J. Brannon Godfrey, Jr. as a member of the Local Board of Social Services for an indefinite term.

The motion was seconded by Vice-President Griffin then unanimously approved by voice-vote.

- Motion to appoint Nancy Gordon Campbell and Charles H. Montoya as members of the Social Services Advisory Board for a four year term ending March 31, 2012.

The motion was seconded by Vice-President Griffin then unanimously approved by voice-vote.

- Motion to appoint John Elliot as a member of the Parks and Recreation Board for a three year term ending April 30, 2011.

The motion was seconded by Vice-President Griffin then unanimously approved by voice-vote.

- Announce the term expiration of John Bishop as a member of the Winchester School Board expiring June 30, 2008, and direct the Clerk of Council to advertise the vacancy. Mr. Bishop is eligible for re-appointment.
- Announce the term expiration of Barry Deuel as a member of the Winchester School Board expiring June 30, 2008, and direct the Clerk of Council to advertise the vacancy. Mr. Deuel is eligible for re-appointment.
- Announce the term expiration of Linda Miller as a member of the Winchester School Board expiring June 30, 2008, and direct the Clerk of Council to advertise the vacancy. Ms. Miller is eligible for re-appointment.

NEW BUSINESS

Mayor Minor announced that April is National Child Abuse Prevention month. She stated every child is precious and deserves to grow up in a healthy, safe, nurturing environment free from the threats, dangers, and harmful effects of child abuse and neglect. She explained that the Blue Ribbon Campaign began over 16 years ago as a result of the efforts of one Virginia grandmother whose grandson was killed by his mother's abusive boyfriend. She stated you can help reduce child abuse and neglect in Winchester by promoting the benefits that children receive from loving, supportive and encouraging homes. She encouraged all citizens to recognize that prevention starts with each of us and asked them to wear a blue ribbon to bring attention to preventing child abuse.

Mayor Minor stated the building for the new Senior Center has arrived and will be erected in the coming weeks. The Shenandoah Area Agency on Aging continues their fundraising efforts. If you would like to Buy a Brick in honor or in memory of a loved one and help raise money for the center, please contact the Parks and Recreation Department.

Mayor Minor announced Doo Dah Day will be held on April 26th beginning at 10 a.m. She also expressed her hope that everyone has a safe and happy Apple Blossom!

ADJOURNMENT – With no further business to discuss, Vice-President Griffin moved that the meeting adjourn at 9:51 p.m. *The motion was seconded by Mayor Minor then unanimously approved by a voice-vote.*

Kari J. Van Diest
Deputy Clerk of the Common Council