

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
March 12, 2013**

A regular session of the Winchester Common Council was held on Tuesday, March 12, 2013 in the Council Chambers, Rouss City Hall. President John Willingham called the meeting to order at 7:01 p.m.

PRESENT: Councilor Evan Clark, John Hill, John Tagnesi and Ben Weber; Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (8)

ABSENT: Councilor Jeff Buettner (1)

MOMENT OF SILENCE – President Willingham led the citizens and councilors in a Moment of Silence.

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

APPROVAL OF MINUTES – January 22, 2013 Work Session, February 12, 2013 Regular Meeting

Vice-Mayor Veach moved to approve the January 22, 2013 and February 12, 2013 as presented. *The motion was seconded by Councilor Tagnesi then approved 8/0.*

REPORT OF THE MAYOR – Mayor Minor stated she did not have a report to present.

REPORT OF THE CITY MANAGER – City Manager Dale Iman stated he did not have a report to present.

REPORT OF THE CITY ATTORNEY – City Attorney Anthony Williams stated in regards to ordinances 2013-08 and 2013-09, per the discussion at the last Work Session he has now had an opportunity to review the items with the Risk Manager and has further discussed proposed revisions with the Zoning Administrator and Planning Director. With the submitted recommended track changes, he withdrew the previous memorandums concerning these items and submitted that they are in proper form for Council's consideration moving it forward.

1.0 PUBLIC HEARINGS

- 1.1 O-2013-02:** Second Reading – AN ORDINANCE TO INCREASE THE SALARIES OF THE MAYOR OF THE CITY OF WINCHESTER AND THE MEMBERS OF THE COMMON COUNCIL FOR THE CITY OF WINCHESTER

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:04 p.m.

Mayor Minor moved to adopt O-2013-02. *The motion was seconded by Vice-Mayor McInturff then 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>
Councilor Buettner	Absent
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Vice-Mayor Veach	Aye
Councilor Weber	Abstain
President Willingham	Aye

- 1.2 CU-13-15:** Conditional Use Permit – Request of Benjamin Pelletier on behalf of Shenandoah Personal Communications, LLC for a conditional use permit to upgrade existing telecommunications facilities with additional antennas and a microwave dish at 799 Fairmont Avenue (*Map Number 153-01- -2*) zoned Limited Industrial (M-1) District.

Benjamin Pelletier of Shenandoah Personal Communications, LLC, offered to answer any questions Council may have.

No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:05 p.m.

Vice-President McInturff moved to approve CU-13-15. *The motion was seconded by Vice-Mayor Veach then approved 8/0.*

2.0 PUBLIC COMMENTS

Earl Heishman of 437 Highland Avenue addressed Council to request a discussion on the homeless situation in the city be put on a future agenda.

No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:06 p.m.

3.0 CONSENT AGENDA

- 3.1 O-2013-06:** First Reading – AN ORDINANCE TO AUTHORIZE THE MANAGER TO EXECUTE A LETTER OF AGREEMENT WITH SHENANDOAH PERSONAL COMMUNICATIONS COMPANY (“SHENTEL”) FOR THE TEMPORARY USE OF CITY PROPERTY FOR THE PURPOSE OF ERECTING A MOBILE TELECOMMUNICATIONS FACILITY – CELL ON WHEELS (“COW”) ON PROPERTY OWNED BY

THE CITY OF WINCHESTER AT THE SOUTH END OF THE
TIMBROOK ANNEX DURING THE 2013 APPLE BLOSSOM FESTIVAL

- 3.2 O-2013-08:** First Reading – AN ORDINANCE TO AMEND SECTIONS 14-5, 18-7, 18-15, 21-3, AND 23-8 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO ADMINISTRATIVE REVIEW, SPECIAL REGULATIONS PERTAINING TO THE PRIMARY & SECONDARY DOWNTOWN ASSESSMENT DISTRICTS, OBSTRUCTION OF RIGHT-OF-WAY, CIVIL PENALTIES AND FEES
TA-13-35
- 3.3 O-2013-09:** First Reading – AN ORDINANCE TO REPEAL CHAPTER 26, ARTICLE III, DIVISION 2 OF THE WINCHESTER CITY CODE PERTAINING TO SIDEWALK CAFES
- 3.4 O-2013-05:** First Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 2-4, 2-28, AND 2-29 OF THE WINCHESTER CITY CODE PERTAINING TO ELECTION AND REMOVAL OF COUNCIL-ELECT OFFICERS
- 3.5 R-2013-05:** Resolution – Authorization to apply for a Virginia Department of Criminal Justice Services grant to support the purchase of equipment and services
- 3.6 R-2013-06:** Resolution – Approval of the nomination of Lorrie Rhoton to be appointed to the Local Emergency Planning Committee representing the American Red Cross
- 3.7 R-2013-09:** Resolution – Express appreciation to Hanover County Emergency Communications and Fire & Rescue Departments personnel for assistance in reviewing an 800 Mhz trunked radio system
- 3.8 R-2013-07:** Resolution – Approval of a refund in the amount of \$3125.31 to Sky White LLC for overpayment of Business Tangible Personal Property Taxes
- 3.9 R-2013-08:** Resolution – Authorization to develop a detailed proposal for a Stormwater Utility for City Council’s consideration and possible action
- 3.10 R-2013-10:** Resolution – Approval to amend the Frederick-Winchester Service Authority Articles of Incorporation Regarding Compensation
- 3.11 R-2013-13:** Resolution – Approval to rename Frontage Road to Mall Boulevard
- 3.12 R-2013-11:** Resolution – Approval to execute the Clinical Affiliation Agreement and necessary documents between Lord Fairfax Community College and the Winchester Fire & Rescue Department

- 3.13 R-2013-12:** Resolution – Authorization to apply for a Local Government Challenge Grant to the Virginia Commission for the Arts
- 3.14** Motion to provide a preliminary approval of the proposed FY14 operating budget for the Opequon Water Reclamation Facility
- 3.15** Announce the resignation of Benjamin “Bob” Pinner as a member of the Board of Architectural Review effective February 28, 2013 and direct the Clerk of Council to advertise the vacancy.
- 3.16** Motion to direct the Clerk of Council to prepare a Certification of Appreciation for Benjamin “Bob” Pinner for his service as a member of the Board of Architectural Review.
- 3.17** Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Catherine Mattens for her service as a member of the Parks & Recreation Board.
- 3.18** Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Brian Hester for his service on the Board of Zoning Appeals.
- 3.19** Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Art Major for his service on the Regional Jail Authority.

Councilor Weber asked for item 3.11, Resolution 2013-13, be removed and opened for discussion.

Councilor Clark moved to approve item 3.11, R-2013-13. The motion was seconded by Councilor Weber.

Councilor Weber asked who is paying for the new signage. City Manager Dale Iman stated Simon Mall would cover the cost.

The motion was approved 8/0.

Vice-Mayor Veach moved to approve the Consent Agenda. *The motion was seconded by Mayor Minor then approved 8/0.*

4.0 AGENDA

- 4.1 O-2013-03:** First Reading – AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-66 OF THE WINCHESTER CITY CODE PERTAINING TO INSTALLATION; REQUIRED LEGEND AND SIGNALS
- 4.2 O-2013-04:** First Reading – AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-68 OF THE WINCHESTER CITY CODE PERTAINING TO WHEN METERS SHALL BE OPERATED

- 4.3 O-2013-07:** First Reading – AN ORDINANCE TO CONDITIONALLY REZONE 7.74 ACRES OF LAND AT 940 CEDAR CREEK GRADE FROM RESIDENTIAL OFFICE (RO-1) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO HIGH DENSITY RESIDENTIAL (HR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) & CE DISTRICT OVERLAY RZ-12-405
- 4.4** Motion to remove the recommendations outlined in the December 21, 2012 memorandum regarding Council appointed Boards and Commissions from the table. (Tabled at the February 12, 2013 Council Meeting)

Vice-President McInturff moved to remove the Boards and Commissions recommendations from the table. *The motion was seconded by Councilor Tagnesi then approved 8/0.*

- 4.5** Motion to implement the recommendations outlined in the December 21, 2012 memorandum regarding Council Appointed Boards and Commissions

Vice President McInturff stated he met with the Tree Commission Chairman, Parks Director Brad Veach and City Manager Dale Iman to discuss the possibility of moving the Tree Commission under the Parks Board. After the meeting, it was the general consensus that the Tree Commission could be moved under the Parks & Recreation department under the guidance of the Parks Director. In doing that he would have the ability to upon special situations where NRAB or Tree Commission issues would come up be able to call for an ad hoc committee that could consist of experts in the community and not necessarily the Parks Board. He stated he would like that to go forward for consideration along with the recommendations.

Councilor Weber moved to approve the recommendations. *The motion was seconded by Councilor Tagnesi then approved 7/1 with Councilor Clark voting in the negative.*

5.0 EXECUTIVE SESSION

- 5.1** MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT §2.2-3711(A)(3) AND (6) FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF THE SUBJECT OF the ACQUISITION OF AN INTEREST IN REAL PROPERTY FOR A PUBLIC PURPOSE AND FOR THE PURPOSE OF DISCUSSION OF THE SUBJECT OF INVESTMENT OF PUBLIC FUNDS WHERE BARGAINING IS INVOLVED, AND WHERE IF MADE PUBLIC, THE BARGAINING POSITION OR FINANCIAL INTEREST OF THE CITY WOULD BE ADVERSELY AFFECTED.

Vice-President McInturff moved to convene into executive session at 7:21 p.m. *The motion was seconded by Councilor Tagnesi then approved 8/0.*

Vice-President McInturff moved to reconvene in open session at 7:54 p.m. *The motion was seconded by Councilor Weber then approved 8/0.*

On a motion by Councilor Weber, seconded by Mayor Minor, 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
Councilor Buettner	Absent
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Aye
John Tagnesi	Aye
Vice-Mayor Veach	Aye
Councilor Weber	Aye
President Willingham	Aye

6.0 ADJOURNMENT

Mayor Minor moved to adjourn the meeting at 7:55 p.m. The motion was seconded by Vice-President McInturff then approved 8/0.

Kari J. Van Diest, CMC
Deputy Clerk of the Common Council