

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
July 9, 2013**

A regular session of the Winchester Common Council was held on Tuesday, July 9, 2013 in the Council Chambers, Rouss City Hall. President John Willingham called the meeting to order at 7:08 p.m.

PRESENT: Councilor Jeff Buettner, Evan Clark, John Hill, John Tagnesi and Ben Weber; Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (9)

ABSENT: None (0)

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 – June 11, 2013 Regular Meeting, June 18, 2013 Special Meeting, June 18, 2013 Work Session, June 25, 2013 Special Meeting and June 25, 2013 Work Session

Vice-Mayor Veach moved to approve the minutes as presented. *The motion was seconded by Councilor Buettner then unanimously approved by voice-vote.*

REPORT OF THE MAYOR

Preservation of Historic Winchester Award Presentation – Mayor Minor presented the award recognizing the improvements to the Old Town Mall to Perry Eisenach, Utilities Director.

Government Finance Officer Associations Award Presentation – Mayor Minor presented the award for Excellence in Reporting to Mary Blowe, Finance Director.

REPORT OF THE CITY MANAGER

City Manager Dale Iman reminded everyone that this Friday is the second installment of Friday Night Live. The entertainment will begin at 6:00 p.m.

REPORT OF THE CITY ATTORNEY

City Attorney Anthony Williams stated he had nothing to report.

1.0 PUBLIC HEARINGS

1.1 O-2013-18: Second Reading: AN ORDINANCE TO DECLARE THE PROPERTY AT 414 S. BRADDOCK STREET TO BE A NUISANCE; AND APPROPRIATE FUNDS AND AUTHORIZE THE CITY TO ABATE THE NUISANCE AND DEMOLISH OR MAKE EMERGENCY REPAIRS TO THE UNSAFE STRUCTURE

Sandra Bosley of 140 Myrtle Avenue spoke on behalf of Preservation of Historic Winchester and stated they know City Council values historic preservation as seen by Council's actions in downtown. The Aulick House at 414 S. Braddock Street is one of Winchester's precious architectural treasures and is worthy of the utmost care in abating the nuisance. Although it has not been treated well in the past 30 years, its architectural value can still be seen shining through its decay. She urged City Council to reconsider its choice of the least drastic approach based only on the estimated costs of demolition versus stabilization. A hasty and ill planned partial demolition undertaken even with the best of intentions could deprive us entirely of a building as significant as the Handley Library, the Hexagon House, or the Old Frederick County Courthouse. She asked what makes the Aulick House so architecturally important. She stated it is the last example of Second Empire construction in Winchester. Much as the Handley Library typifies Beaux-Arts and the Frederick County Court House typifies Greek-Revival Style, the Aulick House is a check list of the very best in Second Empire detailing. This style is supified by the large arched windows, the cornice brackets, the symmetric façade facing Braddock Street with the central tower, and most especially, the mansard roof. If this house is lost, this style will effectively be eliminated from Winchester's architectural heritage. Historically, this was the home of a prominent Winchester family. The spacious lot once held multiple green houses for Charles Aulick's florist business. Other family members who lived in this house were active in education, the military, and Mary Katherine Aulick, the last member to live in this house, even founded the physical therapy department at the Winchester Memorial Hospital. The Aulick's affection for their home shines through in interviews following the fire in 1984. Mary Katherine Aulick invoked with nostalgia and love she called for her childhood home "it's just broken wood but it's a lot of memories too." She urged City Council to take extra thought with its approach to this ordinance. The demolition of this structure might not just abate the nuisance but would also erase a significant part of the City's history.

Edward Acker of 106 Clevenger Court stated he has been asked to read a letter from Elizabeth Kostelny, Executive Director of Preservation Virginia.

In 2010, Preservation Virginia listed the Aulick House at 414 S. Braddock Street as one of Virginia's most endangered historic sites. The site was listed due to the threat posed by continued lack of maintenance and care following a devastating fire. The listing acknowledged the significance of this structure, its rarity in Winchester, and the opportunity for its survival given its support of Preservation of Historic Winchester, Inc. and the City of Winchester's proven record of preservation. Unfortunately, the house continues to suffer from the almost 30 years of deferred maintenance.

There is no question that City Council must consider the issues of public safety, health, and welfare posed by the current condition of the Aulick House. We ask that you also consider the long term loss to the city if this structure is even partially demolished. The citizens of Winchester are fortunate to have Preservation of Historic Winchester, Inc. A willing and enabled partner and City leadership that acknowledges the role that preservation plays in the economic development and tourism in the city. To highlight the successes, innovations, and partnerships in Winchester, Preservation Virginia brought its 2011 Virginia Preservation Conference and more than 200 preservationists to the George Washington Hotel. Our participants marveled at Winchester's embrace of historic preservation as a tool to inspire vitality in the city. The Aulick House, properly cared for, could be a premier property in the local historic district. There is the rule between PHW and other partners to work together for solution. We encourage the members of Winchester's Council to exhaust all avenues to preserve this remarkable structure while ensuring the safety concerns are addressed. Once lost, the Aulick House cannot be replaced.

Joanie Evans of 23 W. Whitlock Avenue stated she represents the Department of Historic Resources.

The Aulick/Gavis House is a gem and rare resource within the City of Winchester and surrounding areas that was constructed in the last quarter of the 19th century. The Second Empire style of this dwelling sets it apart from others. This style first originated in France and has a mansard roof which was designed to allow the attic space to be fully utilized as a third floor. Constructed about 15 years after the Civil War, the house's design and materials demonstrate the ability of some affluent citizens to have recovered from the devastation of war. The Second Empire style was generally popular for public buildings, commercial buildings, and dwellings of the period. It appears to be more of a rare style in the South than it does in the North. Located within the State and Nationally Registered Winchester Historic District, the Aulick/Gavis House is a significant dwelling that contributes to the architectural significance of the registered district. Even in its deteriorated state, it retains integrity of association, setting, design and materials to still be considered a contributing resource. Tax credits could be utilized by the current owner or future owners to make repairs and rehabilitate the building. Demolition of any portion of the house could jeopardize the use of future tax credits. Council's decision this evening is a difficult one. Thank you for your efforts to preserve as much of the design and materials of this rare architectural gem as possible.

John Barker, President of Preservation of Historic Winchester, of 126 North Kent Street stated we are here tonight because of a classic case of demolition by neglect. The City of Winchester, the citizens, PHW and everybody else has watched this saga unfold for the past number of years knowing it was eventually going to come to this. PHW applauds the efforts of the City and their patience at every attempt they have made to save this house. He stated PHW knows the City has preservation in their minds. This is a difficult situation. PHW knows any efforts to stop this ordinance would result in the collapse of the house and

most likely an injury or worse to a citizen. But, there are questions that need to be asked regarding this specific ordinance and the answers need to be considered by all the Council members tonight when determining their votes. (1) Can demolition be considered the least drastic measure? Demolition should be considered the most drastic measure when talking about a historic structure over 130 years old. (2) Is the estimate of option 1 of \$28-30,000.00 adequate to accomplish the goal of eliminating the safety hazard but also stabilize the remaining portion of the house? He asked if that included weather protection to make this a long term fix. (3) He stated in the ordinance there are two options provided for. Option 1 is to abatement by repair with the potential cost of \$250-300,000.00. Option 2 is the demotion with the potential cost of \$28-30,000.00. During the Work Session on June 25th, a number of statements were made that the abatement by repair costs would be significantly higher. That additional cost could also apply to any demolition. You have the same scenario. If it is not related to the north portion of the house, you will still have the same expense no matter what option you take. (4) Should the entire house be evaluated structurally prior to approving any demolition plan or prior to establishing the cost? He stated PHW's understanding is the south portion of the house has not been evaluated by a structural engineer. (5) If the demolition of the north section is accomplished and issues are discovered with the remaining part of the house, how will it be determined what remedy then takes place? He asked if it will be automatic demolition or will it be rethought to the possibility of abatement by repair and who will make that decision. (6) Once the immediate safety concern is addressed, what happens next or is there a plan to ensure that any remaining structure will be adequately maintained or are we just kicking the can further down the road? He stated lastly, don't lose sight of the fact that whatever remedy the City comes up with, it should be recouped from the homeowner. Demolition of a structure over 130 years old is final even if it is just a portion and it can never be brought back. You might not miss it today or the next day but eventually you will miss it. He stated PHW understands the concern for safety. In any choices and actions that are made every day, safety has to be a priority. In reality, Council's decision tonight is pretty simple. Council has to protect the citizens of Winchester. He stated PHW is asking that Council think of the outcome. Think of what has happened to other structures in Winchester. Think about the Conrad House that started PHW that was torn down and is now a parking lot. Think about what would have happened to the Kurtz Building if it wasn't restored. Most recently think about the Taylor Hotel that with a lot of work is going to be a showcase for the City. Demolition is not reversible and it is not the least drastic measure. It is just the easiest.

No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:24 p.m.

Councilor Clark stated the problem Council is facing is demolition by neglect. The Aulick House, now the Gavis House, was a gem in Winchester but since the fire, Mr. Gavis has had 365 days for the last 30 years to do something, anything, to fix this house. He has consistently chosen to do nothing and let the house fall down around him. It has gotten to the point now that a huge section of the north wall has collapsed. The brick and mortar have fallen to the ground.

The structure is not safe. Council has to be concerned with the adjacent property owners. There is a dance studio in the adjacent property. He asked what people would say if the little girls get crushed by a house that falls down. He stated he is concerned with the safety of Mr. Gavis, his wife and the folks next door to the property that may be injured if the house collapses. His dream or wish is that Mr. Gavis or anyone would step up to restore this architectural masterpiece but to this day no one has. Until the time that someone can come forward to Council and say I am going to take the time, energy, and money to make this house safe and restore it then he sees no choice but to consider the safety of the people in Winchester. He stated ever since he was elected to Council, the City has contacted Mr. Gavis and done everything in the City's power to encourage this gentleman to fix this house. Every time he starts to make an effort, nothing happens. There is spit and polish put on it but no significant repair. At this point and given the track record, he is left with no choice because now it really is a safety problem.

Mayor Minor stated she has done a complete turn-around on this. She felt the same way a lot of councilors have. The City has tried to do so much with this home for so many years. It truly is an eye sore sitting there. She finds herself thinking short sighted and demolish in the same sentence is not right. She knows it is wishful thinking but she is hoping somehow someone somewhere will perhaps think of some way they can bring this beautiful home back to life and back to the lovely home it was once. She does remember the Conrad House and remembers when it was torn down. She served on the committee that saved the Kurtz Building and is very proud of being able to say that. She was going to vote to demolish the building but has done a complete turn-around and hopes somehow someday the house will be saved.

Vice-Mayor Veach asked if Council approves to demolish it at this point, could Council halt it later if somebody comes forward with plans and money to stabilize and restore it. City Attorney Anthony Williams stated what will happen if Council approves this ordinance is he will file a motion to authorize the City to move forward with the proposed demolition. It certainly is not going to happen overnight. There will be a period of time that it is going to take to get people in there. As Council has seen from the two engineering reports, one from Mr. Gavis and one from the City, the engineers are unable to give without absolute certainty the level of deterioration of the property. Both structural engineers say the property is unsafe and is in danger of imminent collapse but Mr. Gavis has gone in and covered up a lot of the damage so how fast it will occur once Council approves this demolition is going to be largely contingent on how fast we can get people in there to evaluate the extent it needs to be demolished in order to make it a safe structure. The short answer is the City is going to get working on this but there will be opportunities along the way if by some chance someone has another plan on how to make this work.

Councilor Tagnesi stated no citizen came forward and no homeowner came forward tonight to save the building. That building is an eyesore. The neighborhood hates it. The neighborhood is asking us to take action. If nobody has stepped up to object other than the historical society, he thinks the City should go ahead and demolish the damaged portion.

Councilor Weber stated he was hoping there would be a large public showing tonight. He suspected the organizations that are here to preserve Winchester as well as the Commonwealth would be here represented and he applauds them for that but he is amazed the homeowner is not here or a representative of the homeowner. That says a lot to him. He stated the only way he would change his mind at this point is if one of the two organizations here made a verbal commitment in some way to try to purchase the house or do something. That is the only way he would stay this execution.

President Willingham stated this is a difficult issue for him because a lot of what he does professionally is to rehab old buildings. There are lots of examples in the city of what people have been able to do. Other examples have come up tonight that are being tied back to this residence but the Taylor Hotel was a building that was for sale and the Kurtz Building was a building the City had control of its destiny. In this example, the City cannot make the homeowner sale, make him do repairs, or make him do the proper improvements to make it safe and be a safe neighbor. The City can't require PHW or ask them to go purchase a place that is potentially not for sale. The City does not have the exact same situations or same circumstances that it may have had previously. If the City could preserve this, that is what Council would do. No one wants to take something from someone but ultimately this is about the safety of the two citizens that are living in the building and potentially the people around it. One of the things talked about through the course of this is not the cost but the safety. Council has had a building official tell them that he is in violation repeatedly and there is a major structural issue. An advisory panel made up of people in the building profession have reviewed the case, looked at the building code and told Council that they agree with those assessments. From a due diligence or negligence side of the City, he asked the City Attorney to talk about the legal requirements that Council has as representation of the City to make the proper changes to the facility now that those things have occurred.

Mr. Williams stated the key point is the code official has declared this an unsafe structure that is in imminent danger of collapse. He thinks Council talked about the north wall collapsing and it was a substantial portion of the north wall that collapsed. One of the things that came out of the Board of Building Code Appeals hearing that Mr. Gavis had in his attempt to appeal Mr. Knight's determination was that the wall collapsed not because of the adverse weather or high winds but it simply collapsed on its own. Anyone could have been standing there at the time and when it actually collapsed, it simply fell. It was reported to him that it was a load bearing wall of the structure. The City certainly has a duty to insure that properties that people are living in are safe. One of the things that came out very clearly in the course of that hearing was this is about the safety of Mr. Gavis. The City is now on notice that a building in our city is unsafe and that people are living in and near it and so the City absolutely has a duty to move forward to do something. As Council's attorney, he would pursue whatever means or mechanism the City needs to eliminate the unsafe structure whether it is through abatement, condemnation, or demolition. Council has carefully considered the issues. Councilor Buettner said it best that

Council knows for certain that if the demolition occurs, the unsafe structure is no longer there to cause a danger. If Council enters into this trying to fix something that we don't even know the extent of the problem because we can't get the engineers in there to get the information, it could create more of a problem going forward. Whatever Council decides to do, he thinks the demolition is certainly the option that will ensure the safety and provide the most solid result. He thinks that is what the deliberation and discussions on this have focused on.

President Willingham stated there will be some window of time for PHW or some other organization can have the opportunity to induce Mr. Gavis to make the repairs, purchase the property, or come up with some other solution. This is not going to happen overnight so anything private organizations or private citizens can do to help bring this about would be fantastic. For him, this is ultimately about the guarantee of safety. He cannot guarantee the safety of our citizens in any other way other than what has been provided to him by the structural engineers, city staff, building officials, and a panel board that has told Council this is an unsafe structure. Reluctantly, he has to side with safety and continue to be hopeful that someone can create a situation where this can be fixed.

Councilor Buettner moved to adopt O-2013-18. *The motion was seconded by Councilor Clark 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	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Nay
Councilor Tagnesi	Aye
Vice-Mayor Veach	Aye
Councilor Weber	Aye
President Willingham	Aye

1.2 O-2013-16: Second Reading: AN ORDINANCE TO CREATE CITY CODE SECTION 14-15 – PHOTO MONITORING SYSTEMS TO ENFORCE TRAFFIC LIGHT SIGNALS

David Franke of 426 North Braddock Street stated he sent Council a letter giving his views against the use of surveillance cameras in Winchester so he won't repeat the arguments he had written regarding safety and congestion in the courts. He would like to add some comments on privacy however. He received a response from City Hall that stated the Redflex proposal would allow Winchester to piggy-back onto a contract with another Virginia city. In the interest of transparency and full disclosure to the citizens of Winchester, he asked that the Redflex proposal be made public so the citizens know what is

involved. Whether or not Winchester accepts a proposal from Redflex, the citizens need to know what is being considered. He stated some commentators have said this is a very limited surveillance because only license plates and not the occupants of the cars are photographed by the cameras. It is surveillance. First, all automobiles are filmed, not just those running red lights. Second, this information is stored for an undetermined amount of time. Third, in addition to it being stored by the City, those records are stored by the corporate contractor. That is certainly the case with Redflex in a foreign country. And fourth, as a result of the exposure of the NSA's surveillance programs, we now know how Washington pressures corporations into playing ball with them so it is no longer a personal or local matter. He asked if this is farfetched or conspiratorial. He stated in California on June 26th of this year, the San Francisco Chronicle reported on the use of license plate cameras in California stating "at a rapid pace, mostly hidden from the public, police agencies throughout the state have been collecting millions of records on drivers and feeding them into intelligence fusion centers operated by local, state and federal law enforcement." The San Francisco Chronicle goes on to quote a noted computer security consultant to say "With this technology, a government can tell who your friends are, who you hang out with, where you go to church, and whether you have been to a political meeting." That is just from license plate surveillance records. He stated he is not accusing the Winchester Police or City Council of having that kind of drastic surveillance in mind. The point is the license plate surveillance records could also be in the hands of an outside corporate entity susceptible to pressure from big brother. The way to avoid having Winchester play a role in this is to avoid all surveillance programs in the first place. He stated the citizens may not be able to directly stop big brother in Washington but they can do it in Winchester and they must. He asked Council to vote no on any kind of proposal to authorize traffic surveillance cameras in Winchester.

John Applin of 506 West Clifford Street stated he is opposed to Winchester passing an ordinance to create City Code Section 14-15-Photo Monitoring Systems to Enforce Traffic Light Signals. First, the traffic study cited as the reason for this ordinance is suspect. Redflex, the company that carried out the study, is not a company on which Winchester can rely. This company reported over 300 red light violations in a 12 hour period at the intersections of Pleasant Valley and Berryville and Pleasant Valley and Jubal Early. Coincidentally, Redflex also manufactures the photo monitoring system this ordinance supports. This company's former CEO, CFO and top attorney all recently resigned in the face of bribery allegations regarding its contract with Chicago, Illinois. According to the March 2, 2013 Chicago Tribune, "Chicago's embattled red light camera firm went to City Hall on Friday in its latest effort to come clean, acknowledging for the first time that its entire program here was likely built on a \$2 million bribery scheme." Mr. Applin asked if Council, the Winchester Police, or the citizens really want to do business with such a company. He suggested Council perform a Google search of "Redflex bribery" and see for themselves. He stated the red light cameras have legal and practical pitfalls. It is his understanding that photographed violators would be mailed notifications that they broke the law. With this approach, photographed violators are free to ignore the citation according to state statute 19.2-76. However, if the summons is served on the entity by delivery to a registered agent or to any other agent that

is not an officer, director, managing agent or employee of the entity, such agent shall not be personally subject to penalty for failure to appear as provided in §19.2-128, nor shall the agent be subject to punishment for contempt for failure to appear under his summons as provided in §19.2-129. He stated according to the 2005 VDOT report, the red light camera law “ultimately requires personal notification which may prove prohibitively expensive for some jurisdictions.” According to the proposed ordinance background, WPD officers would have to hand deliver 300 citations for just this 12 hour period for any potential fines to be collected. He asked how City Council wants WPD officers to spend their time – patrolling city streets or delivering citations for whatever company is contracted to carry out this ordinance. He stated further, in *People of the State of California vs. Thun Chen*, the court determined that because the defense wasn’t able to cross examine testifying witnesses on any of these issues, and because the absence of witnesses who could have testified as to the facts underlying the Redflex packet, the Appellant’s Sixth Amendment rights were violated. He asked if the WPD really wants to challenge the 6th Amendment. He stated one of the selling points of Redflex’s system is that it promotes safety. He urged City Council to take a closer look at the facts. A 2005 report carried out by the Washington Post reported that at intersections monitored by red light cameras, accidents increased 81% between 1998 and 2004. According to a 2007 Virginia Transportation Research Council report, crash rates increased 12% after red light cameras were installed and there was a 27% increase in rear end collisions. According to VTRC 07-R2 “the study did not show a definitive safety benefit associated with camera installation with regard to all crash types, all crash severities, and all crash jurisdictions.” The data from California, Michigan, Florida, North Carolina, Ontario, Canada, and even Redflex’s home of Australia all points to the same conclusion. He asked Council to see through the sales pitch to the reality underneath. Red light cameras, while permissible, are also legally questionable. The evidence indicates that red light cameras don’t make driving safer. They make it more hazardous. He urged Council to reject this ordinance.

Sam Leinbach of 317 Fairmont Avenue stated in reference to an article in the Winchester Star on the 6th of July, a survey lasting 12 hours at the intersections of Berryville Avenue and Pleasant Valley Road and Jubal Early Drive and Pleasant Valley Road noted 300 violations. That is in a 12 hour period. He asked how many would it be in a 24 hour period. Using the Star’s time period of May 1, 2011 to April 30, 2013, eleven red light citations were issued during a time that probably had in excess of 300,000 red light violations in the City of Winchester. That is only talking about two intersections. He stated maybe the police could do more or maybe we could have a special traffic division but 11 violations are not very good. For those that are opposed to red light cameras and concerned about privacy, he asked why there is no concern about the safety of the other drivers trying to cross on a green light or pedestrians waiting to cross on a green light in a safe manner. He stated as a pilot he had someone taping and watching him every minute of every day but as long as you stay in the box you are going to be fine. He is in support of the red light cameras.

Todd Golding of 1027 Kinzel Drive stated *Virginia City to Invest in Red Light Cameras* is the title of a blog post by Redflex Traffic Systems made on May 28,

2013. The very next sentence says “Winchester, Virginia is moving forward with plans to implement this enforcement program.” He stated reading further in the blog, Redflex goes on to state “Now, City Council has decided to implement red light cameras in the intersections of Pleasant Valley and Jubal Early and Pleasant Valley and Berryville Avenue.” He guesses Redflex was in such a hurry to advertise this achievement that they forgot the citizens of Winchester have yet to decide the issue. He urged Council to vote no on the ordinance before them to allow red light monitoring. He stated while it may seem his statement above and the evidence of bribery he cited in his June 8th letter that he has a vendetta against Redflex, he must point out they only follow the same questionable business patterns as the rest of the industry. For example, American Traffic Solutions has sued to block voter referendums in Marietta, California in 2012 and in Houston, Texas in 2011 in order to protect their profits. He stated he should also note that Redflex joined the lawsuit in California. Change the name of the camera vendor and it is all still the same. They are all about making profit not public safety. In researching this issue in the past month, the studies he has found that showed these cameras increase public safety have either been funded by the industry or by the Insurance Institute for Highway Safety. A majority of the studies have been authored by Mr. Richard Retting who in 1983 was the Deputy Assistant Commissioner for Traffic Safety Partners in New York City where he introduced and lobbied for the nation’s first red light camera laws. As a result of Mr. Retting’s advocacy for the use of red light cameras, today Mr. Retting is a paid industry lobbyist for Sam Schwartz Engineering based in Washington D.C. advocating for red light camera use. An example of Mr. Retting’s work is a 1999 Oxnard, California study where he concluded that since red light cameras were installed there was a 40% reduction in red light violations at intersections with cameras and a 50% reduction at intersections without cameras. He stated this study is often cited by industry sales people as an example of how effective cameras are. But, they rarely point out that Mr. Retting’s study has been commonly questioned by multiple peer review researchers from the Texas Transportation Institute, University of South Florida, North Carolina A&T University, and the Virginia Transportation Research Council. Since his time is running short, he stated he would close with a fact from the November 2012 New Jersey Report on Red Light Systems that states “in comparing the Pre-Camera installation 12-month time period versus the Year 1 installation 12 month time period, the data indicates that total crashes are up 0.9%, however, more severe right-angle crashes are down 15%, while same-direction (rear-end) crashes are up 20%. Crash severity cost increased by an estimated \$1,172,800.” He stated the crashes after the red light cameras actually cost more than before and asked if this is the type of public safety that Winchester desires to have. He certainly hopes not.

Brian Baxter of Winchester stated if he had a crystal ball and told you the red light cameras were going to cost you and it would be a loss every week, month, quarter and year of the entire duration you had them, would you still put them up. His guess is you would say no, they cost too much. If that is the answer, it is not for safety. It is for money. He stated sidewalks cost money but that is for safety so sidewalk repairs continue. Secondly, he asked if the people who are actually running red lights and t-boning in crashes given a citation from the

investigating officer. He stated with any accident he has been involved in the person who caused the accident received some type of a citation. It is not the people who are piggy backing through the lights or on a yellow light. He stated if it is about safety, you do it the old fashioned way by educating your people. If you want to invest in your citizens, you take out ad time at the Alamo or at the Winchester Royals games. Educate the people about the deaths and injuries being caused by those running red lights. That is why smoking campaigns and seatbelt campaigns work. It is education. He stated as an air traffic controller, he lives and breathes safety every day on the job. He gets recorded every day on the job which is the policy but he still doesn't like the system. He stated he thinks education is the best way. You win safety that way and not by letting a national corporation come into a small town and tattle-tale on the citizens for money.

No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:56 p.m.

Vice-President McInturff moved to table O-2013-16. *The motion was seconded by Vice-Mayor Veach then approved 5/4 with President Willingham, Mayor Minor, and Councilors Buettner and Weber voting in the negative.*

1.3 CU-13-273: Conditional Use Permit - Request of Michael Bortz on behalf of T-Mobile Northeast, LLC for a conditional use permit to upgrade existing telecommunications facilities with replacement antennas at 333 West Cork Street (*Map Number 192-01-C-16*) zoned Health Services (HS) District.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 8:00 p.m.

Councilor Weber moved to approve CU-13-273. *The motion was seconded by Councilor Clark 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	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Vice-Mayor Veach	Aye
Councilor Weber	Aye
President Willingham	Aye

2.0 PUBLIC COMMENTS

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 8:01 p.m.

3.0 CONSENT AGENDA

- 3.1 O-2013-19:** First Reading - Real Estate Tax Relief for Low Income Elderly and Disabled
- 3.2 O-2013-21:** First Reading – AN ORDINANCE AMENDING ARTICLES 18 AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO CONDITIONAL USE PERMITS FOR TRANSMITTING AND RECEIVING FACILITIES AND TOWERS AND FEES FOR TELECOMMUNICATIONS FACILITIES AND RE-ADVERTISEMENT FEES TA-13-198
- 3.3 R-2013-31:** Resolution – Adopt the schedule for regularly held meetings and work sessions of City Council for fiscal year 2014
- 3.4** Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Irvin Shendow for his service on the Winchester Regional Airport Authority.

Councilor Weber moved to approve the Consent Agenda as presented. *The motion was seconded by Vice-Mayor Veach then unanimously approved by voice-vote.*

4.0 AGENDA

- 4.1 O-2013-20:** First Reading – AN ORDINANCE TO AMEND AND RE-ENACT SECTION 26-33 OF THE WINCHESTER CITY CODE PERTAINING TO SPECIAL PROVISIONS RELATING TO LOUDOUN STREET MALL
- 4.2 R-2013-30:** Resolution – Adoption of the Charitable Funding Requests Consideration Policy

Councilor Buettner moved to amend and approve R-2013-30 by striking the paragraph that reads “WHEREAS, the Winchester City Council desires to primarily provide seed money to assist an agency’s operations only, not capital or brick and mortar projects, in the outside agency’s formative years for a period not to exceed three to five years.” *The motion was seconded by Mayor Minor then approved 8/1 with Councilor Tagnesi voting in the negative.*

- 4.3** Motion to approve a Memorandum of Understanding Template for Outside Agency Funding Awards

Councilor Buettner moved to approve the Outside Agency Funding MOU template. *The motion was seconded by Vice-Mayor Veach then unanimously approved by voice-vote.*

- 4.4** Motion to approve a Memorandum of Understanding with the Shenandoah Valley Discovery Museum for Capital Renovations at 19 W. Cork Street

Mayor Minor moved to approve the MOU with Shenandoah Valley Discovery Museum for capital renovations. *The motion was seconded by Councilor Clark then approved 8/1 with Councilor Weber voting in the negative.*

5.0 EXECUTIVE SESSION

5.1 MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION.

Vice-President McInturff moved to convene into executive session at 8:17 p.m. *The motion was seconded by Councilor Buettner then unanimously approved by voice-vote.*

Vice-President McInturff moved to reconvene at 8:28 p.m. *The motion was seconded by Councilor Clark 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:

<u>MEMBER</u>	<u>VOTE</u>
Councilor Buettner	Aye
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

Councilor Weber moved to adjourn at 8:28 p.m. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*