

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
April 23, 2013
City Council Chambers – Rouss City Hall**

DRAFT

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)

President Willingham called the meeting to order at 6:01 p.m.

2.0 Public Comments: (Each person will be allowed 3 minutes to address Council with a maximum of 10 minutes allowed for everyone.)

No citizens came forward to address Council and the President declared the public comment period closed at 6:01 p.m.

3.0 Apple Blossom Festival Security Preparations – Kevin Sanzenbacher, Chief of Police, and Lynn Miller, Emergency Management Coordinator

Police Chief Kevin Sanzenbacher presented an update on the security measures taken for the Shenandoah Apple Blossom Festival by the Police Department, Fire & Rescue Department, and Emergency Management. He stated nothing they have done is in response to the recent incident in Boston, Massachusetts. The planning for SABF begins in November. The EOC will be activated beginning Friday night through Saturday. He stated a number of contingency plans have been established to eliminate any unforeseen surprises.

4.0 Items for Discussion:

President Willingham asked for a motion to add the following to the agenda:
R-2013-37: Resolution – Approval of Intent to Reimburse Expenditures with Proceeds of a Borrowing

Vice-Mayor Veach moved to add R-2013-37 to the agenda. *The motion was seconded by Councilor Clark then approved 8/0.*

4.1 O-2013-11: FY14 Proposed Budget & Capital Improvements Plan

City Manager Dale Iman presented the FY2014 Operating Budget and Capital Improvement Plan.

Vice-President McInturff asked if Council made the decision to fund the \$1 million to the Winchester Parking Authority. Mr. Iman stated it was discussed that a decision would be made through the budget process. The discussion was to take the tax refund from the George Washington Hotel and give the money to the WPA as a part of the budget process.

Vice-President McInturff asked Council if everyone was okay with this. President Willingham stated this is the recommendation of the manager. If Council does not want to fund it, a motion could be made.

Mr. Iman added that the WPA requested receiving the entire amount from the George Washington Hotel and he thought this would be more palatable and would return some of the money to the General Fund. Vice-President McInturff stated he understood but wanted to make sure Council is comfortable with how it is being done.

Vice-President McInturff asked about the \$100,000 to the Discovery Museum. He stated he likes the recommendation on the outside agencies but he thought the \$100,000 would be addressed in the next budget cycle since they submitted after the deadline. He would like to see an MOU or something to give the city some control over the next 5 years. He would like to see a report on what they used the money on.

Mr. Iman stated his recommendation on the outside agencies did not include the Discovery Museum since they submitted a month late. An MOU will be incorporated with every agency that receives funds. The expectation will be that they give a report on how the money is used for accountability.

Vice-President McInturff stated he assumes some criteria will be used on the Strategic Plan goals. He would like to see the MOU before giving the money. He feels the \$500,000 needs some clarity.

Councilor Tagnesi stated he understood the \$500,000 would start next year. He asked if the money is going into the building, could the city put a lien or something on it to get the money returned if it is sold. City Attorney Anthony Williams stated a deed of trust could be done similar to the one on the roof with the Fire Department.

President Willingham stated the funds were meant to be a grant along with Frederick County to match them for staying in the city.

Councilor Weber asked if the \$3.4 million for the Joint Judicial Center improvements was the total cost or the city's share of the cost. Mr. Iman stated the city would finance \$3.4 million and the County would repay us \$1.7 million.

Councilor Clark stated he is concerned with the Department of Social Services staffing. One position is being added and another one eliminated but the city is

down 9 positions by the State standards. Mr. Iman stated staff evaluated the position that was in the housing area and found it could be eliminated. The heavy work load is with the case loads and the benefits specialist will address that. Councilor Clark expressed his concern that it is not enough.

Vice-Mayor Veach asked about the difference in the pay classifications between a Sheriff Deputy II and a Police Officer I. Assistant City Manager Doug Hewett stated he will follow up in a memo to Mr. Iman on the qualifications for each classification. Mr. Iman added that each job is looked at by their duties and the classification.

Vice-President McInturff moved to forward O-2013-11 to Council but not expending the funds for the Discovery Museum until the MOU is adopted by Council. The motion was seconded by Vice-Mayor Veach.

Councilor Weber, seconded by Councilor Clark, asked if Vice-President McInturff would amend his motion to eliminate the \$10,000 already allocated to the Discovery Museum and assign it to another agency.

Vice-President McInturff stated he would not support that because Council has been allocating money to them every year. The \$500,000 is to match what Frederick County did and is separate from the \$10,000 operating funds.

Councilor Weber withdrew his amendment.

The motion to forward O-2013-11 to Council but not expending the funds for the Discovery Museum until the MOU is adopted by Council passed 8/0.

4.2 O-2013-10: AN ORDINANCE TO AUTHORIZE THE ADDITIONAL APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2013

Finance Director Mary Blowe presented the last supplemental request for the year. She stated the two major items in the request are for the Schools and to include State and Federal funds from the June 2011 storm.

Vice-President McInturff moved to forward O-2013-10 to Council. *The motion was seconded by Councilor Weber then approved 8/0.*

R-2013-27: Resolution – Approval of Intent to Reimburse Expenditures with Proceeds of a Borrowing

Finance Director Mary Blowe presented the resolution to allow the city to make expenditures and reimburse ourselves on the National Avenue corridor into the city.

Vice-Mayor Veach moved to forward R-2013-27 to Council. *The motion was seconded by Councilor Clark then approved 8/0.*

- 4.3 O-2013-12:** AN ORDINANCE TO REZONE 0.45 ACRES OF LAND AT 2307 STONERIDGE ROAD (Map Number 269-05-A-1) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO LOW DENSITY RESIDENTIAL (LR) DISTRICT WITH CE DISTRICT OVERLAY RZ-13-98

Planning Director Tim Youmans presented the request to rezone 0.45 acres at 2307 Stoneridge Road back to residential without proffers.

Councilor Tagnesi moved to forward O-2013-12 to Council. *The motion was seconded by Vice-Mayor Veach then approved 8/0.*

- 4.4 O-2013-13:** AN ORDINANCE TO REZONE A 0.75 ACRE PORTION OF LAND AT 441 LINDEN DRIVE (Map Number 130-01- -1) FROM LOW DENSITY RESIDENTIAL (LR) DISTRICT TO MEDICAL CENTER (MC) DISTRICT RZ-13-134

President Willingham announced he will be abstaining from this item.

Planning Director Tim Youmans presented the request to rezone without proffers a portion of 441 Linden Drive. He stated the proposal is in conjunction with the development of the Cancer Center which is included in the Strategic Plan. There will be no access to the property from Linden Drive. All access will be from Campus Drive on the Winchester Medical Center property.

Councilor Tagnesi announced that to vote on this rezoning issue he must state that since his wife is retired from the hospital and will soon be drawing a pension he is able to participate in this transaction fairly, objectively and in the public interest.

Vice-Mayor Veach moved to forward O-2013-13 to Council. *The motion was seconded by Councilor Weber then approved 7/0 with President Willingham abstaining.*

- 4.5 CU-13-132:** Conditional Use Permit – Request of KKE Properties, LLC, for a conditional use permit for conversion of ground floor nonresidential use to residential use at 22 Wolfe Street (Map Number 193-01-C-8) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay.

Planning Director Tim Youmans presented the request to allow the ground floor property to be used as a residence. He stated the request did not receive a favorable motion from the Planning Commission but there was not a follow up motion recommending denial. On a previous conversion in 2009, Council approved it for a two year period. The present owner purchased the property

since then and was not aware of the two year limit which is now in violation. The applicant has submitted a conditional use application to request a permanent residential use.

Vice-President McInturff moved to forward CU-13-132 to Council. The motion was seconded by Councilor Weber.

President Willingham stated during another discussion a few months ago on Braddock Street, staff said they would come up with a moratorium on where residential conversions would be allowed so it is not done by spot approvals. Mr. Youmans stated in looking at from the staff level they hit a snag in how quickly we wanted to proceed with allowing the residential conversion of ground floor space by-right but we can get back to it again to look at where the boundaries would be.

The motion to forward passed 5/3 with President Willingham, Vice-Mayor Veach, and Councilor Hill voting in the negative.

4.6 O-2013-14: AN ORDINANCE TO AMEND AND REENACT ARTICLES 18, 21, AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIGNS, VIOLATION AND PENALTY, AND FEES TA-13-138

Director of Zoning & Inspections Aaron Grisdale presented the ordinance to refine the current ordinance for temporary signs in regards to set clearer standards and to allow businesses flexibility for advertising on their sites.

Vice-Mayor Veach moved to forward O-2013-14 to Council. *The motion was seconded by Councilor Tagnesi then approved 8/0.*

4.7 O-2013-15: STATUS UPDATE AND ORDINANCE TO IMPLEMENT THE PROVISIONS OF THE BOARDS AND COMMISSIONS MEMORANDUM ADOPTED BY COMMON COUNCIL ON FEBRUARY 12, 2013 PERTAINING TO THE FUNCTIONING AND PROCESSES ASSOCIATED WITH THE APPOINTMENT AND OPERATIONS OF THE TREE COMMISSION; NATURAL RESOURCES ADVISORY BOARD; AND OTHER COUNCIL-APPOINTED BOARDS AND COMMISSIONS

Assistant City Manager Doug Hewett presented the ordinance to formalize some of the recommendations previously presented to Council in regards to the Tree Commission and the Natural Resource Advisory Board.

Councilor Weber moved to forward O-2013-15 to Council. The motion was seconded by Vice-Mayor Veach.

City Attorney Anthony Williams stated the item also includes clarifying language to remove members of boards and commissions.

The motion to forward to council passed 7/1 with Councilor Clark voting in the negative.

5.0 Liaison Reports

Vice-Mayor Veach reported the School Board has received the draft results of the study showing the changes in the population but it is not broke down into the sections of the city.

6.0 Executive Session

President Willingham asked for a motion to add consultation with legal counsel to the agenda for tonight's closed session. *A motion by Vice-President McInturff, seconded by Vice-Mayor Veach, was approved 8/0.*

- 6.1** MOTION TO CONVENE IN EXECUTIVE PURSUANT TO §2.2-3711(A)(1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF THE EMPLOYMENT, ASSIGNMENT, APPOINTMENT, AND PERFORMANCE OF SPECIFIC PUBLIC OFFICERS APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER INCLUDING BUT NOT LIMITED TO THE REVIEW OF CANDIDATES FOR APPOINTMENT TO COUNCIL-APPOINTED BOARDS AND COMMISSIONS AND PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING 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 7:59 p.m. *The motion was seconded by Vice-Mayor Veach then approved 8/0.*

Vice-President McInturff moved to reconvene in open session at 8:41 p.m. *The motion was seconded by Vice-Mayor Veach then approved 8/0.*

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	Absent
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

Vice-President McInturff moved to add a re-appointment to the Winchester Parking Authority, an appointment to the Winchester Parking Authority and an appointment to the Economic Development Authority to the agenda. *The motion was seconded by Vice-Mayor Veach then approved 8/0.*

Mayor Minor moved to forward the appointments to Council. *The motion was seconded by Vice-Mayor Veach then approved 8/0.*

7.0 Monthly Reports

7.1 Finance Department

8.0 Adjourn

Vice-President McInturff moved to adjourn the meeting at 8:42 p.m. *The motion was seconded then approved 8/0.*