

**MINUTES OF THE COMMON COUNCIL  
IN REGULAR SESSION  
January 14, 2014**

A regular session of the Winchester Common Council was held on Tuesday, January 14, 2014 in the Council Chambers, Rouss City Hall. President Willingham called the meeting to order at 7:01 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 councilors and citizens in a Moment of Silence.

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

**APPROVAL OF MINUTES** – December 10, 2013 Regular Meeting

Councilor Weber moved to approve the December 10, 2013 minutes as presented. *The motion was seconded by Councilor Hill then unanimously approved 9/0.*

**REPORT OF THE MAYOR**

Mayor Minor delivered her 2013 Annual Report. (See attached)

**REPORT OF THE CITY MANAGER**

City Manager Dale Iman stated he had nothing to report.

**REPORT OF THE CITY ATTORNEY**

City Attorney Anthony Williams stated he had nothing to report.

**1.0 PUBLIC HEARINGS**

- 1.1 O-2013-41:** Second Reading – AN ORDINANCE TO AMEND AND REENACT ARTICLES 3, 4, 5, 5.1, 6, 7, 8, 9, 13, AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO HOME OCCUPATIONS PERMITTED IN ACCESSORY STRUCTURES WITH A CONDITIONAL USE PERMIT **TA-13-493** (*Proposal to allow home occupations in accessory structures with a conditional use permit*)

*President Willingham asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:13 p.m.*

Vice-President McInturff moved to adopt O-2013-41. *The motion was seconded by Vice-Mayor Veach 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

- 1.2 CU-13-593:** Conditional Use Permit – Request of Michael Bortz on behalf of T-Mobile Northeast, LLC, to upgrade existing telecommunications facilities with replacement antennas at 799 Fairmont Avenue (*Map Number 153-01-2*) zoned Limited Industrial (M-1) District

Drew Lavin with Network Building & Consulting of 7380 Coca-Cola Drive in Hanover, Maryland, stated he was available to address any questions Council may have.

*President Willingham asked if there was anyone else wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:14 p.m.*

Vice-President McInturff moved to approve CU-13-593. *The motion was seconded by Councilor Clark then approved 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	Nay
President Willingham	Aye

- 1.3 Public Hearing:** An appeal of the decision by the Board of Architectural Review (BAR-13-524) requiring the removal of vinyl siding and replacement with wood siding for the property located at 16 West Monmouth Street zoned Residential Business (RB-1) District with Historic Winchester (HW) District overlay.

Landon Maddox of 16 West Monmouth stated he just recently purchased his house and used some extra money for much needed improvements. The front of his house looks historically correct but he put vinyl siding on the sides and on the back of the house. After he did the work, he was told it was wrong. He went before the Board of Architectural Review to ask for a variance but was denied. When he asked if there was anything he could do or anyway the BAR would approve the work that had been done, he was told that under no situation would they approve vinyl siding to be historically correct. He is appealing that decision to City Council.

Director of Zoning & Inspections Aaron Grisdale presented a background overview of the BAR case and the appeal. During an inspection in May of 2013, it was noted that some exterior changes took place on the property and vinyl siding had been installed without Board of Architectural Review approval. A notice of violation was sent to the property owner on May 10, 2013, and returned as unclaimed. The property was then posted on June 4, 2013 and a second notice was sent to the property owner on July 10, 2013 which was accepted on July 24, 2013. However, no response was received by the property owner and a civil penalty was issued on September 11, 2013. City staff did receive some contact by the owner's daughter on some unrelated code issues at the property which triggered the conversation to try to address this issue. The daughter was advised of the work that was completed on the house without BAR approval and the unlikelihood of BAR approval of vinyl siding since it is incompatible with the Historic Winchester Guidelines. The owner did want to try to receive approval for the work that had already taken place and submitted an application to the BAR on September 23, 2013. It was originally set to go in front of BAR on October 3, 2013, but was tabled at the owner's request as he was unable to make that meeting and notified staff ahead of time. The Historic Winchester Guidelines state in Chapter 3 that "synthetic sidings are not appropriate in the district." At the October 17, 2013 BAR meeting, the board did approve some of the work that had taken place but was not comfortable approving the vinyl siding so the alteration was required to be removed. That decision was due to the finding that vinyl siding is a synthetic material and such materials are not appropriate based on Chapter 3 of the Winchester Historic Guidelines. Mr. Maddox did appeal the decision in the 30 days and the public hearing was scheduled within the required 60 days. Council may decide to uphold, amend or reverse the decision of the BAR. Mr. Grisdale reviewed similar cases in which application to the BAR was made after the work was completed and the BAR denied those requests. He recommended Council uphold the decision of the BAR based on Chapter 3 of the Winchester Historic Guidelines that states synthetic materials are not appropriate in the district.

President Willingham concluded the public hearing at 7:32 p.m.

Mr. Williams recommended Council give him the opportunity to consult with them regarding the format and process during the executive session with the understanding that Council will come out with something in writing at the next meeting that would identify what Council's determination is. If Council is prepared to make that, he could have something prepared for Council's adoption

at the next meeting. The code does require Council to consult with the Board of Architectural Review prior to making a decision on this matter. Mr. Grisdale included in his packet a letter dated January 2, 2014, from the BAR summarizing the rationale in making their decision. This could suffice as Council's consultation if Council wishes to accept it. Council does have the option to seek further advice from the BAR if they choose to before reaching a conclusion.

## **2.0 PUBLIC COMMENTS**

Todd Golding of 1027 Kinzel Drive spoke in opposition to using cameras on the school buses. He questioned the name of the company the School Board is contracting with as it is listed as American Traffic Systems Incorporated and as American Traffic Solutions Incorporated in the School Board minutes. He reminded Council of his comments at previous meetings regarding RedFlex and the corruption and bribery scandals they were involved in while in Chicago. He presented Council with a letter from the Richmond Office of the Inspector General that documented an investigation finding American Traffic Solutions as a subsidiary of RedFlex Holdings. He asked if the City of Winchester wanted to do business with a company that is known to be corrupt and bribe officials.

*President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public comments at 7:39 p.m.*

Mr. Williams stated unlike the photo monitoring system that Council was considering months ago, this proposal is for Council to authorize the school to go forward and negotiate a contract to have like on their buses. Council does not have any involvement with regard to who they choose and how they proceed.

## **3.0 CONSENT AGENDA**

**3.1 O-2014-02:** First Reading – AN ORDINANCE TO ADOPT SECTION 14-15 OF THE WINCHESTER CITY CODE PERTAINING TO USE OF PHOTO-MONITORING SYSTEMS TO ENFORCE LAW AGAINST PASSING STOPPED SCHOOL BUSES (*Allows the use of video monitoring systems on school buses for the purpose is issuing citations to motorists*)

**3.2** Announce the term expiration of Allyson Pate as a member of the Social Services Advisory Board effective March 31, 2014 and direct the Clerk of Council to advertise the vacancy. Ms. Pate is not eligible for reappointment.

Councilor Weber asked that item 3.1 – O-2014-02 be pulled from the Consent Agenda.

Vice-President McInturff moved to approve the remainder of the Consent Agenda as presented. *The motion was seconded by Councilor Buettner then approved 9/0.*

President Willingham presented for first reading O-2014-02 – AN ORDINANCE TO ADOPT SECTION 14-15 OF THE WINCHESTER CITY

CODE PERTAINING TO USE OF PHOTO-MONITORING SYSTEMS TO ENFORCE LAW AGAINST PASSING STOPPED SCHOOL BUSES.

#### 4.0 AGENDA

- 4.1 Announce the acceptance of the resignation of John Bishop as a member of the Winchester School Board effective January 6, 2014 and direct the Clerk of Council to advertise the vacancy
- 4.2 Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for John Bishop for his service as a member of the Winchester School Board

Vice-Mayor Veach moved to approve the Certificate of Appreciation for Mr. Bishop. *The motion was seconded by Councilor Weber then approved 9/0.*

#### 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 AND PURSUANT TO §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 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 AND PURSUANT TO §2.2-3711(a)(29) FOR THE PURPOSE OF DISCUSSION OF THE AWARD OF A PUBLIC CONTRACT INVOLVING THE EXPENDITURE OF PUBLIC FUNDS, INCLUDING INTERVIEWS OF BIDDERS OR OFFERORS, AND DISCUSSION OF THE TERMS AND SCOPE OF SUCH CONTRACT, WHERE DISCUSSION IN AN OPEN SESSION WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR NEGOTIATING STRATEGY OF THE CITY AND PURSUANT TO §2.2-3711(A)(40) FOR THE PURPOSE OF DISCUSSION OF RECORDS EXCLUDED FROM CHAPTER 37 OF TITLE 2.2 OF THE CODE OF VIRGINIA PURSUANT TO SUBDIVISION 3 of § 2.2-3705.6 AND PURSUANT TO §2.2-3711(A) (7) 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 THE APPOINTMENT OF OR PROSPECTIVE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS.

Vice-President McInturff moved to convene into executive session at 7:45 p.m. *The motion was seconded by Vice-Mayor Veach then approved 9/0.*

Vice-President McInturff moved to reconvene in open session at 9:51 p.m. *The motion was seconded by Vice-Mayor Veach then approved 9/0.*

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	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**

Mayor Minor moved to adjourn the meeting at 9:52 p.m. *The motion was seconded by Councilor Tagnesi then unanimously approved 9/0.*

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

*2013 MAYOR'S REPORT  
1/14/14*

*January is one of my favorite times of the year as Mayor of this wonderful city. Not only are we beginning another exciting year with many new goals, projects and ideas, but we also have the opportunity to reflect on what we've accomplished over the past twelve months. It hasn't always been easy, but I know that 2013 was a year we should all be proud of as we embark on a new journey together in 2014.*

*The City of Winchester staff and Council created a strategic plan in the fall of 2012 and we're in the process of completing our first revision. We've reprioritized our four goals and discussed many projects and tasks associated with each one. The goals include Grow the Economy, Create a more livable city for all, Develop a high performing organization and Continue the revitalization of Old Town. The strategic plan will guide us for the next 12 to 18 months and influence our decisions for fiscal year 2015. I have faith that our dedicated team will continue to make significant progress this coming year.*

*As we have begun the budget season for the next fiscal year, I must mention that in addition to receiving the Certificate of Achievement for Excellence in Financial reporting for the 21st consecutive year, the City's Bond rating was also increased to triple A, the highest rating possible, by S&P. This new rating will improve the City's borrowing power and lower interest rates when we need to fund capital projects.*

*The City strives to handle every situation, decision and service ethically, efficiently and with the community's best interest in mind. For more information about the City's budget and budget adoption process, review the City's Budget in Brief publication. This Budget document is an easy to follow citizen's guide to the City's finances and can be viewed on the City's website or in the Finance offices of City Hall.*

*2013 was a big year for our beautiful downtown. After a smooth five-month construction process, the Loudoun Street Mall received all new utility infrastructure; brick pavers, planters, entryways and light poles; public restrooms; and the ever-popular splash pad. Downtown was always special, but with all the new events and activities happening lately, Old Town Winchester has made a name for itself and is becoming an attraction and an ultimate destination for shoppers, diners and history buffs. And with the new Old Town Welcome Center that opened in September, residents and visitors have a place to go for more information about our beautiful downtown area.*

*While we're on the subject of downtown, I must mention the renovation of the Taylor Hotel. Work on this historic building has been on-going all year and the results couldn't be more amazing. From the building being restored similar to its original glory to the new pavilion and farmer's market area, this project is one many of us will hold dear to our hearts. I can't wait to step foot inside and see the hustle and bustle signifying that the Taylor is now a contributing member of our unique group of downtown businesses. Our thanks go out to the Economic Development Authority for making this much-wanted renovation a grand reality.*

*2013 also brought the community an opportunity to experience a piece of Winchester history through a unique Murder Mystery event. Thanks to the creative mind*

*of the City's planning director and a partnership with Shenandoah University and Winchester Little Theatre, Rouss City Hall was transformed into a time machine for over 500 curious travelers during the Rouss City Hall Murder Mystery Tour. Because of the event's success, three local organizations received donations from the net proceeds: the Shenandoah University's InterACTS group, the Winchester Historical Society and Winchester Little Theatre. I was so honored to be a part of this event and it truly was something special.*

*In 2013, Governor McDonnell announced that the City received an enterprise zone designation. This designation can be used to create new jobs, promote private investment and support the overall growth of Winchester's economy. I expect great things will come from this positive, new program. In addition, the City received the Best Comprehensive Plan Award from the American Planning Association's Virginia Chapter, was recognized in Forbes Magazine's list of Best Places for Business and Careers, and was awarded the Better Models for Development Award from the Valley Conservation Council for upgrades made to Amherst Street, particularly the beautiful Green Circle Trail portion in 2012. The City's Building Code Effectiveness Grade also increased to a three this year which will help new construction projects in the City save on insurance premiums. These recognitions and designations showcase the City's commitment to excellence as well as our continuous efforts to make Winchester a place we can all be proud to call home.*

*The Winchester Police Department continually strives to proactively keep everyone safe while responding to over 43,000 calls for service. In addition, the department was granted re-accreditation in 2013 by the Virginia Law Enforcement Professional Standards Commission. This accreditation is a formal acknowledgement that the City's Police Department continually complies with over 200 specific professional standards. We have the most dedicated public safety personnel and I am so proud of each and every one of them for all that they do to keep our community safe.*

*The Winchester Fire & Rescue Department also serves our community with both highly-trained career and volunteer firefighters and EMTs. The Winchester Fire and Rescue Department accepted over 5,600 calls in 2013, installed 20 smoke alarms and 131 child safety seats, conducted 492 fire inspections, saved over 50 million dollars of property from fire damage, and reached over 6,500 citizens through public education efforts. All that hard work was recognized for the second time in seven years by the Lord Fairfax Emergency Medical Services Council as they named the Winchester Fire & Rescue Department an Outstanding EMS Agency this past year. The Department is always looking for ways to help others in the community and during their annual "Fill the Boot" campaign, over \$20,000 was raised for MDA. In addition, over \$2,500 was raised for Every Woman's Life during their breast cancer awareness pink t-shirt program. Keep up the great work!*

*Several other 2013 accomplishments involved teamwork, collaboration and a desire to help others succeed. In 2013, the Winchester Department of Social Services in partnership with Clarke, Frederick and Warren counties was able to fund a part-time Child Care Quality Coordinator. This new staff member provides on-going training to area child care organizations with the ultimate goal of enhancing the quality of daycare provided to children in our community. The Police Department's Timbrook House also continues to help at-risk teens with school, work and social skills and the Timbrook*

*Foundation in partnership with Social Services and the community helped make the holidays a little brighter for thirty Winchester families through their toy and food drive.*

*Winchester Parks & Recreation was hard at work in 2013. The playing surface at Jim Barnett Park's accessible playground was replaced. The park partnered with Shenandoah University to spruce up the McCormick Amphitheater and preparations began for the 2014 Cal Ripken 10-Year-Old World Series. In addition, Winchester Parks & Recreation recently released a new programs guide with 100 new activities for people of all ages. This swing toward offering more community-based programming is very exciting and I strongly encourage our residents to sign up for one of the new programs. The City's parks system is another community asset that should be treasured and utilized. Be sure to take advantage of all it has to offer.*

*The Park was also able to offer the community several events last year including two Civil War-themed Balls, many holiday celebrations for children, the International Festival and World Explorer Obstacle Course, and the ever-so-popular Outdoor Movie Series on the Mall in partnership with Old Town Winchester. These successful low-cost or free events bring so much joy to the community and I can't wait to take part in these events again this year!*

*The City is always looking for ways to improve communication with the public and continues to reach out through cable channel 6, Facebook, Twitter, our website, the City's weekly electronic newsletter, City-News, and many other means. Stay informed by following the City on social media or by subscribing to our free electronic newsletter.*

*The accomplishments I've mentioned tonight are only a fraction of what the City has achieved over the past year. I could never cover everything or the numerous awards our dedicated employees have received this year, but I will close with how proud I am to be the Mayor of this special city. I am excited about what the future might bring for Winchester and I can't wait to get started on another fabulous year as we continue to work toward accomplishing our strategic plan goals.*

*Thank you and Happy New Year!*