

**MINUTES OF THE COMMON COUNCIL  
IN REGULAR SESSION  
February 11, 2014**

A regular session of the Winchester Common Council was held on Tuesday, February 11, 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 citizens and councilors in a Moment of Silence

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

President Willingham welcomed the participants of the INSIGHT Academy to the Council meeting.

President Willingham stated he would entertain a motion to add additional language to the following item: Executive Session – 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 FOR A PUBLIC PURPOSE AND THE INVESTMENT OF PUBLIC FUNDS WHERE IF MADE PUBLIC, THE BARGAINING POSITION OR FINANCIAL INTEREST OF THE CITY WOULD BE ADVERSELY AFFECTED. *The motion was made by Vice-President McInturff, seconded by Vice-Mayor Veach, then unanimously approved 9/0.*

**APPROVAL OF MINUTES** – January 7, 2014 Work Session, January 14, 2014 Regular Meeting, January 28, 2014 Work Session, and January 28, 2014 Special Meeting

Councilor Tagnesi moved to approve the minutes as presented. *The motion was seconded by Vice-Mayor Veach then unanimously approved 9/0.*

**REPORT OF THE MAYOR**

Mayor Minor stated on behalf of the City of Winchester, she wanted to officially recognize February 11<sup>th</sup> as Charles Broadway Rouss Day. City Council adopted a resolution back in 1991 formally designating Charley Rouss' birthday, February 11<sup>th</sup>, as Rouss Day. She wanted to thank those who made cupcakes to distribute earlier today and thanked those who came out to Mt. Hebron Cemetery in the cold this morning for the annual wreath lying at the Rouss Mausoleum. She also thanked Mr. John Lewis and Mr. Donald Shade for providing the lovely wreath. She stated Winchester has been blessed with very generous gifts from Mr. Rouss including funds to construct Rouss City Hall.

She encouraged all of the citizens of our community to join City Council in honoring our beloved Charley Rouss.

## **REPORT OF THE CITY MANAGER**

City Manager Dale Iman introduced Tony Peterman to make a presentation on the feasibility of a conference center in Winchester.

### **Presentation:** Conference Center Feasibility Study

Tony Peterman of the Strategic Advisory Group presented the results of a feasibility study for a conference center in Winchester including the industry trends, demographics, type of events, and a comparison of 4 different facilities. He suggested the city consider a 16,000 square foot center adjacent to the George Washington Hotel and the hotel be expanded by 60 rooms. He stressed the key to success is getting into the activity business and not the conference business.

## **REPORT OF THE CITY ATTORNEY**

City Attorney Anthony Williams stated he had nothing to report.

### **1.0 PUBLIC HEARINGS**

#### **1.1 O-2014-02:** Second Reading – AN ORDINANCE TO ADOPT SECTIONS 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)*

Todd Golding of 1027 Kinzel Drive spoke in opposition to the photo-monitoring system on the school buses. He questioned the study showing the need for the system that was performed by RedFlex given the company's moral deficiencies. He also questioned the potential cost to the City of Winchester and compared it to the City of Falls Church who has included in their 2014 budget over \$50,000 in addition to the revenue from the program for enforcement. He asked Council to decline the ordinance or table it until the questions about the actual costs and the issues with a potential conflict with RedFlex be answered.

Kevin McKew of the Winchester Public Schools spoke in favor of the ordinance. He stated the ordinance adoption is not in any way a contract approval or endorsement of a contract. It is something that is required before the School Board enters into a contract. The School Board has started a process to get contract information from Falls Church City Schools on a contract with American Traffic Solutions. This company has been erroneously tied to RedFlex. From their investigations, the company the School Board has identified does not have any of the issues in question. RedFlex was the company this started with but even before the issues came into question, the School Board was not happy with their responsiveness and performance during the pilot program so they began negotiating with American Traffic Solutions. This is a no cost program to the school system but their concern is student safety not cost.

*President Willingham asked if there was anyone else wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:38 p.m.*

Vice-President McInturff asked Mr. McKew and Police Chief Kevin Sanzenbacher to explain the costs involved. Mr. McKew stated the contract was still in negotiations but it covers a 5 year period where 75% of the revenues in the first year are sent to American Traffic Solutions, 60% the second year, and 50% for years 3-5. This cost covers the equipment and all of the back office support for this system. The program captures live video and is wirelessly sent back to their office for review. All viable violations get sent to the police department. Chief Sanzenbacher stated it is anticipated the company will send the violations at night so the night shift will be used to verify the violations. Any other expense will involve officers going to court but that is expected to diminish over time. The School Board will be billed for the officer overtime for going to court.

Vice-President McInturff moved to adopt O-2014-02. *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:*

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Councilor Buettner	Nay
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**

Zenovia Stovall of 113 West Boscawen Street #2 spoke in opposition of the noise level from Milanos. She lives above the night club and cannot watch television, entertain in her own home, or sleep at night due to the music levels that goes on during the day and sometimes past 2:00 a.m. She is not asking that it stops but for help to have it turned down.

Jan Rogers of 536 Marion Street spoke in opposition of how the program cutbacks and staffing have cut away at the reputation of the Winchester Public Schools and of Handley High School. She expressed her concern that today's students will not have the skills to be competitive to get into the college of their choice or to have job opportunities. She asked Council to fund the Winchester Public Schools more than just the operating costs and to invest in the schools.

Mike Malone, President and CEO of the Top of Virginia Regional Chamber, of 407 South Loudoun Street read the following letter into the record:

*The Top of Virginia Regional Chamber represents approximately 900 businesses and organizations. Our mission is to promote business development in our region leading to positive growth of our businesses and community. Recently, the City of Winchester was awarded a Virginia Enterprise designation. We share in the excitement of the possibilities from this designation. It is estimated the implementation of the designation will annually require approximately \$500,000 in incentives. However, the return through business recruitment and development shall provide a strong return from this investment. Further, such activity is expected to provide an attractive opportunity for additional business development as well as redevelopment of underutilized locations. Once again, the Top of Virginia Regional Chamber expresses our congratulations upon this designation and wishes to express our support for these incentives and the implementation of the program in the City of Winchester.*

Sam Leinbach of 317 Fairmont Avenue spoke regarding the snow plan and the need to update the roads included in the Emergency Snow Routes and the need to clearly mark the Emergency Snow Routes.

*President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public hearing at 8:08 p.m.*

### **3.0 CONSENT AGENDA**

- 3.1 O-2014-03:** First Reading – AN ORDINANCE TO AMEND CHAPTER 8 AND CHAPTER 27 PERTAINING TO THE ESTABLISHMENT OF THE WINCHESTER ENTERPISE ZONE AND ITS RELATED INCENTIVES
- 3.2 R-2014-01:** Resolution – Authorizing the execution of the Winchester Enterprise Zone Local Incentives Grants Funding Agreement between the City of Winchester and the Winchester Economic Development Authority
- 3.3 R-2014-02:** Resolution – Authorize the refund of \$12,078.51 to Piedmont Medical Laboratory for prorated Business License Taxes, the refund of \$10,420.84 to Riddleberger Brothers, Inc. and the refund of \$46,811.11 to Integrity Home Mortgage Corp. for prorated and erroneously paid Business License Taxes
- 3.4** Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Allyson Pate for her service on the Social Services Advisory Board
- 3.5** Motion to appoint John Tagnesi as a member of the Northern Shenandoah Valley Regional Commission
- 3.6** Announce the term expirations of John Elliott, Krista Farris, and Jules Bacha as members of the Parks & Recreation Board effective April 30, 2014. Mr. Bacha is eligible for re-appointment. Mr. Elliott and Ms. Farris are not eligible.
- 3.7** Announce the resignation of P. Michael Atkins as a member of the Northwestern Community Services Boards effective January 15, 2014 and direct the Clerk of Council to advertise the vacancy

- 3.8** Announce the resignation of Minh Le as a Ward 3 member of the Winchester School Board effective January 17, 2014 and direct the Clerk of Council to advertise the vacancy

Councilor Weber moved to approve the Consent Agenda as presented. *The motion was seconded by Councilor Buettner then unanimously approved 9/0.*

#### **4.0 AGENDA**

- 4.1** Motion to rescind the decision of an April 8, 1969 motion which granted Apple Blossom permission to handle all concession licenses during the Apple Blossom Festival for succeeding years

Vice-President McInturff moved to approve the decision to rescind the April 8, 1969 Council decision. *The motion was seconded by Councilor Clark then unanimously 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) (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 THE APPOINTMENT OF OR PROSPECTIVE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS 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 FOR A PUBLIC PURPOSE AND THE INVESTMENT OF PUBLIC FUNDS WHERE IF MADE PUBLIC, THE BARGAINING POSITION OR FINANCIAL INTEREST OF THE CITY WOULD BE ADVERSELY AFFECTED .

Councilor Clark moved to convene into executive session at 8:12 p.m. *The motion was seconded by Councilor Buettner then unanimously approved 9/0.*

Vice-President McInturff moved to reconvene in open session at 9:23 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously 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**

Vice-President McInturff moved to adjourn the meeting at 9:23 p.m. *The motion was seconded by Mayor Minor then unanimously approved 9/0.*

---

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