

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

A regular session of the Winchester Common Council was held on Tuesday, March 11, 2014 in the Council Chambers, Rouss City Hall. Vice- President Milt McInturff 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 (7)

ABSENT: Councilor Jeff Buettner; President John Willingham (2)

MOMENT OF SILENCE – Vice-President McInturff 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 – February 11, 2014 Regular Meeting, February 18, 2014 Special Meeting, and February 18, 2014 Work Session

Councilor Weber moved to approve the minutes as presented. *The motion was seconded by Councilor Hill then approved 7/0.*

REPORT OF THE MAYOR

R-2014-05: Resolution – Honor the retirement of Detective Glenn Culp

Mayor Minor presented the resolution to Detective Culp in honor of his service to the City of Winchester.

Councilor Weber moved to approve R-2014-05. *The motion was seconded by Vice-Mayor Veach then approved 7/0.*

Mayor Minor stated she wanted to take a moment to say congratulations to the Handley High School varsity basketball team for making it to the state championships. She went to the game this past Saturday and the team and coaches really made Winchester proud with their can-do attitude, good sportsmanship, and hard work. Handley had plenty of spirited fans in the crowd and it was so much fun to watch the community come together to support our local youth. On behalf of the Winchester community, she wished the team good luck as they travel to Richmond later this week for the championship game. She encouraged the team to bring home the trophy!

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 CU-13-646:** Conditional Use Permit – Request of Feliciano Romero dba Puerto La Union Restaurant for a conditional use permit for an Entertainment Establishment at 2832-2834 Valley Avenue (*Map Number 310-07-40*) zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) District overlay. (*Request for addition of live entertainment to existing restaurant use.*)

Vice-President McInturff asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:08 p.m.

Vice-Mayor Veach moved to approve CU-13-646. *The motion was seconded by Mayor Minor 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	Aye
President Willingham	Absent

- 1.2 CU-14-47:** Conditional Use Permit – Request of Susan S. Rhodes for a conditional use permit for a home occupation in an accessory structure at 364 Parkway Street (*Map Number 214-05-I-37*) zoned Medium Density Residential (MR) District. (*Request for pottery home occupation in existing accessory structure*)

Vice-President McInturff asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:09 p.m.

Councilor Clark moved to approve CU-14-47. *The motion was seconded by Councilor Hill 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	Aye
President Willingham	Absent

2.0 PUBLIC COMMENTS

Sam Lienbach of 317 Fairmont Avenue spoke in opposition of the decision of the School Board to endorse the location on Meadow Branch Avenue for the new John Kerr Elementary School location. He expressed his concern regarding the proximity to the hospital and the high rates of speed traveled by emergency vehicles on that road. He also suggested the extra money used at this location could be used to install a safe room in the new school at the current location and in all of the schools.

Vice-President McInturff asked if there was anyone else wishing to address Council. Seeing none, he closed the public hearing at 7:13 p.m.

3.0 CONSENT AGENDA

3.1 O-2014-04: First Reading – AN ORDINANCE TO PLACE REQUIREMENTS ON TOW COMPANIES REQUESTED BY THE POLICE TO PROTECT CONSUMER INTERESTS

3.2 O-2014-05: First Reading – 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, 2014

3.3 R-2014-04: Resolution – Amending the Comprehensive Employee Management Systems, Section 1.6C Types of Employment – Regular Part-Time Employee to address hours for compliance with the Federal Patient Protection and Affordable Care Act

3.4 Motion to approve the proposed FY15 Operating Budget for Opequon Water Reclamation Facility

3.5 Motion to adopt the 2014 Winchester Emergency Operations Plan

3.6 Motion to appoint Mark Loring as a member of the Planning Commission for an unexpired four year term ending December 31, 2015

3.7 Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for John Elliott and Krista Farris for their service as members of the Parks & Recreation Board

Vice-Mayor Veach moved to approve the Consent Agenda as presented. *The motion was seconded by Mayor Minor then approved 7/0.*

4.0 AGENDA

4.1 R-2014-06: Resolution – Adoption of the 2014 Strategic Plan Leadership Guide

Assistant City Manager Doug Hewett presented a summary of the Leaders Guide for the 2014 Strategic Plan containing the work completed at the retreat meetings in December and January. He stated the plan adopted tonight will overlap with the current plan. Although some of the items have already started, the new plan goes into effect July 2014.

Vice-Mayor Veach moved to send R-2014-06 regarding the Strategic Plan back to Work Session for more discussion. The motion was seconded by Councilor Weber.

Mr. Iman asked if Lyle Sumek should come back in since the document was transcribed by him from his notes. Council did not think that was necessary.

Vice-President McInturff stated he has questions regarding the staff and council comments and asked if they could be separated. He also asked for feedback from his fellow councilors on whether or not they should vote on the Governance Issues before a new manager starts on July 1.

Councilor Weber stated he wants to continue moving forward regardless of Mr. Iman retiring.

Vice-President McInturff clarified that he thinks the plan should move forward but his concern is the governance piece of the plan.

Mr. Iman stated the governance piece is how the Council governs themselves. He does not think Council will want a City Manager that decides how Council governs.

The motion was approved 7/0.

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 DISCUSSION AND CONSIDERATION OF THE SUBJECT OF LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY ON MATTERS OF ACTUAL AND PROBABLE LITIGATION AND TO RECEIVE CONSULTATION FROM THE CITY ATTORNEY ON MATTERS REQUIRING SPECIFIC LEGAL ADVICE.

Councilor Weber moved to convene into executive session at 7:37 p.m. *The motion was seconded by Councilor Hill then approved 7/0.*

Vice-President McInturff moved to reconvene in open session at 8:33 p.m. *The motion was seconded by Vice-Mayor Veach then approved 7/0.*

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
John Tagnesi	Aye
Vice-Mayor Veach	Aye
Councilor Weber	Aye
President Willingham	Absent

Vice-President McInturff stated he would entertain a motion to add a correction to a scrivener's error on O-2014-03 regarding the establishment of the Winchester Enterprise Zone to the agenda. *The motion was made by Councilor Weber, seconded by Councilor Clark, then approved 7/0.*

Councilor Weber moved to approve the correction of the scrivener's error for O-2014-03 regarding the establishment of the Winchester Enterprise Zone as reflected in the document presented this evening. *The motion was seconded by Councilor Clark then approved 7/0.*

City Attorney Anthony Williams stated for the record there were two typographical errors in Section 27-29 a and b in O-2014-03 where the percentage needs to be changed from 15% to 150%.

The motion was approved 7/0.

6.0 ADJOURNMENT

Mayor Minor moved to adjourn the meeting at 8:35 p.m. *The motion was seconded by Councilor Clark then approved 7/0.*

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