

**MINUTES OF THE COMMON COUNCIL  
IN REGULAR SESSION  
July 8, 2014**

**DRAFT**

A regular session of the Winchester Common Council was held on Tuesday, July 8, 2014 in the Council Chambers, Rouss City Hall. President John Willingham called the meeting to order at 7:00 p.m.

**PRESENT:** Councilor Evan Clark and Corey Sullivan; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (5)

**ABSENT:** Councilor Jeff Buettner, John Hill and John Tagnesi; Vice-President Milt McInturff (4)

**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 stated he would entertain a motion to approve the amended agenda to correct the dates in the Approval of Minutes. *The motion was made by Vice-Mayor Veach, seconded by Mayor Minor, then approved 5/0.*

**APPROVAL OF MINUTES** – June 10, 2014 Regular Meeting, June 17, 2014 Work Session, June 17, 2014 Special Meeting, June 24, 2014 Work Session, and June 24, 2014 Special Meeting

Mayor Minor moved to approve the minutes as presented. *The motion was seconded by Vice-Mayor Les Veach then approved 5/0.*

President Willingham announced an Open House has been scheduled for August 28, 2014 from 4:00 p.m. to 7:00 p.m. in the Exhibit Hall to discuss the Meadow Brach project including the road structure and John Kerr Elementary School.

President Willingham also announced that this July marked Mayor Minor's 10th year of service as Mayor of the City of Winchester.

**REPORT OF THE MAYOR**

Mayor Minor stated she did not have a report.

**REPORT OF THE CITY MANAGER**

Interim City Manager Craig Gerhart presented Council with a copy of the Budget in Brief that is also posted on the City's website. Mr. Gerhart announced that this is his last

regular meeting as Interim City Manager and thanked Council for the opportunity to work in Winchester again.

## **REPORT OF THE CITY ATTORNEY**

City Attorney Anthony Williams stated he did not have a report.

## **PUBLIC HEARINGS**

### **1.1 O-2014-28: Second Reading – AN ORDINANCE TO RESCIND ORDINANCE O-2013-32 AUTHORIZING THE ACQUISITION OF PROPERTIES NECESSARY FOR THE MONTICELLO STREET EXTENSION PROJECT BY MEANS INCLUDING BUT NOT LIMITED TO CONDEMNATION AND ACCEPTANCE BY THE CITY OF SAID PROPERTIES**

*President Willingham asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:04 p.m.*

*Vice-Mayor Veach moved to approve O-2014-28. 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:*

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Councilor Buettner	Absent
Councilor Clark	Aye
Councilor Hill	Absent
Vice-President McInturff	Absent
Mayor Minor	Aye
Councilor Sullivan	Aye
Councilor Tagnesi	Absent
Vice-Mayor Veach	Aye
President Willingham	Aye

### **1.2 O-2014-21: Second Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-176 OF THE WINCHESTER CITY CODE REGARDING REFUND FOR UNUSED OR DAMAGED CIGARETTE STAMPS**

*President Willingham asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:05 p.m.*

*Vice-Mayor Veach moved to approve O-2014-21. 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	Absent
Vice-President McInturff	Absent
Mayor Minor	Aye
Councilor Sullivan	Aye
Councilor Tagnesi	Absent
Vice-Mayor Veach	Aye
President Willingham	Aye

- 1.3 O-2014-22:** Second Reading: AN ORDINANCE AMENDING SECTIONS 6-5 AND 6-6 OF THE WINCHESTER LAND SUBDIVISION ORDINANCE PERTAINING TO APPROVAL OF MINOR SUBDIVISIONS SA-14-199 (The amendment eases restrictions on approving subdivisions administratively and ensures compliance with State Code on recording plats)

*President Willingham asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:06 p.m.*

Mayor Minor moved to approve O-2014-22. *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	Absent
Councilor Clark	Aye
Councilor Hill	Absent
Vice-President McInturff	Absent
Mayor Minor	Aye
Councilor Sullivan	Aye
Councilor Tagnesi	Absent
Vice-Mayor Veach	Aye
President Willingham	Aye

- 1.4 O-2014-23:** Second Reading: AN ORDINANCE TO REZONE 1.442 ACRES OF LAND AT 150 COMMERCIAL STREET (Map Number 153-01-J-3) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT TO COMMERCIAL INDUSTRIAL (CM-1) DISTRICT RZ-14-193 (Allow light industrial uses not otherwise allowed under B-2 zoning)

Arthur Christjohn of 523 Fairmont Avenue spoke in opposition of having more truck traffic driving down Fairmont Avenue due to the ones that already exceed the speed limit.

Gary Oates, the property owner's representative, stated the site plan is about to be approved and the building will be built whether it is rezoned or not. The rezoning request is for a use not currently allowed in B-2 for a small microbrewery.

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

Councilor Clark moved to approve O-2014-23. *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	Absent
Vice-President McInturff	Absent
Mayor Minor	Aye
Councilor Sullivan	Aye
Councilor Tagnesi	Absent
Vice-Mayor Veach	Aye
President Willingham	Aye

- 1.5 O-2014-24:** Second Reading: AN ORDINANCE TO REZONE 2.57 ACRES OF LAND AT 1570 COMMERCE STREET (Map Number 252-01-2) FROM COMMERCIAL INDUSTRIAL (CM-1) DISTRICT TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY RZ-14-35 (Allows a 26 three-bedroom townhouse units on primarily vacant industrial property)

Ron Mislowsky, representative for Evergreen Real Properties, spoke in favor of rezoning the property to residential compared to commercial to be more in line with the Comprehensive Plan. He asked Council to support the request or table the action until the next meeting to allow for additional discussion on what type of residential would be appropriate on the property.

*President Willingham asked if there was anyone else wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:15 p.m.*

Vice-Mayor Veach moved to table O-2014-24. *The motion was seconded by Councilor Clark then unanimously approved 5/0.*

- 1.6 O-2014-27:** Second Reading – AN ORDINANCE AUTHORIZING THE PAYMENT OF A MONETARY BONUSES TO SPECIFIED OFFICERS IN ACCORDANCE WITH §15.2-1508 OF THE CODE OF VIRGINIA

*President Willingham asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:15 p.m.*

Mayor Minor moved to approve O-2014-27. *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	Absent
Councilor Clark	Aye
Councilor Hill	Absent
Vice-President McInturff	Absent
Mayor Minor	Aye
Councilor Sullivan	Aye
Councilor Tagnesi	Absent
Vice-Mayor Veach	Aye
President Willingham	Aye

- 1.7 CU-14-334:** Conditional Use Permit – Request of Windy Hill, LLC for multifamily dwellings at 443 Millwood Avenue (*Map Number 233-08-40A*) zoned Highway Commercial (B-2) District

*President Willingham asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:16 p.m.*

Vice-Mayor Veach moved to approve CU-14-334. *The motion was seconded by Councilor Sullivan then unanimously approved 5/0.*

- 1.8 Amendment to Winchester Comprehensive Plan 2011** – the proposed revisions are primarily focused in the West Central Planning area, and include, but are not limited to, potential location of a new John Kerr Elementary School and other land use recommendations along the planned extension of Meadow Branch Avenue

Ty Lawson on behalf of Ridgewood Orchard Limited Partnership presented some minor edits to the Comprehensive Plan language regarding the area to include “professionals” instead of “health care professionals” and adding “/apartments” to condominiums. He asked Council to consider adopting these minor edits with the amendment.

*President Willingham asked if there was anyone else wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:19 p.m.*

Vice-Mayor Veach asked the City Attorney if the edits would change the legal intent of the amendment. Mr. Williams stated the edits make it clearer.

Vice-Mayor Veach moved to approve the amendment to the Comprehensive Plan with the edits. *The motion was seconded by Mayor Minor then unanimously approved 5/0.*

## **2.0 PUBLIC COMMENTS**

*President Willingham asked if there was anyone wishing to address Council. Seeing none, he closed the public comments at 7:20 p.m.*

### **3.0 CONSENT AGENDA**

- 3.1 O-2014-25:** First Reading – AN ORDINANCE TO ADOPT SECTIONS 14-169 OF THE WINCHESTER CITY CODE PERTAINING TO ABANDONED VEHICLES
- 3.2 O-2014-26:** First Reading – AN ORDINANCE TO AMEND AND REENACT SECTION 14.2-8 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO WYCK STREET AND NORTH CAMERON STREET CORRIDOR ENHANCEMENT DISTRICTS
- 3.3 R-2014-29:** Resolution – Authorize the Economic Development Authority to issue Revenue Refunding Bonds to Winchester Medical Center and Shenandoah Memorial Hospital
- 3.4 R-2014-30:** Resolution – Authorize the execution of a management agreement between the City of Winchester and Taylor Master Tenant, LLC
- 3.5** Motion to authorize the execution of a Memorandum of Understanding with Winchester Public Schools regarding unused funds
- 3.6** Motion to appoint Eden Freeman as the Clerk of Council effective July 21, 2014
- 3.7** Motion to appoint Eden Freeman as a member of the Juvenile Detention Commission for an indefinite term effective July 21, 2014
- 3.8** Motion to appoint Eden Freeman as the Local Board of Social Services for an indefinite term effective July 21, 2014
- 3.9** Motion to appoint Eden Freeman as a member of the Winchester-Frederick County Metropolitan Planning Organization Policy Board for an indefinite term effective July 21, 2014
- 3.10** Motion to appoint Eden Freeman as the Administrative Advisory Member of the Planning Commission for a term that is coextensive with the term in office effective July 21, 2014
- 3.11** Motion to appoint Eden Freeman as a member of the Regional Jail Authority to fill an unexpired term ending February 28, 2017 effective July 21, 2014
- 3.12** Motion to appoint Eden Freeman as an ex-officio member of the Social Services Advisory Board effective July 21, 2014.
- 3.13** Motion to appoint Eden Freeman as a member of the Community Policy and Management Team effective July 21, 2014
- 3.14** Motion to appoint Eden Freeman as the Director of Emergency Management effective July 21, 2014

President Willingham requested item 3.3 regarding R-2014-29 be pulled off the Consent Agenda and voted on separately.

Mayor Minor moved to approve R-2014-29. *The motion was seconded by Vice-Mayor Veach then approved 4/0 with President Willingham abstaining.*

Councilor Clark moved to approve the Consent Agenda. *The motion was seconded by Vice-Mayor Veach then unanimously approved 5/0.*

#### **4.0 AGENDA**

- 4.1** Motion to appoint Theresa Gaines and James E. Richard as private sector members and Karen Helm as a public/non-profit sector member of the Winchester-Frederick County Tourism Board each to a three year term expiring on June 30, 2017

Vice-Mayor Veach moved to approve the appointments of Ms. Gaines, Mr. Richard, and Ms. Helm to the Winchester-Frederick County Tourism Board. *The motion was seconded by Mayor Minor then unanimously approved 5/0.*

- 4.2** Announce the resignation of Rainee Simpson as a member of the Winchester-Frederick County Tourism Board effective May 31, 2014. Ms. Simpson's term expires June 30, 2015.

- 4.3** Motion to appoint Priya Patel as a private sector member of the Winchester-Frederick County Tourism Board to an unexpired three year term ending June 30, 2015

Councilor Clark moved to approve the appointment of Ms. Patel. *The motion was seconded by Councilor Sullivan then unanimously approved 5/0.*

- 4.4** Announce the term expiration of Joseph Kalbach as a member of the Economic Development Authority / Community Development Committee effective August 31, 2014. Mr. Kalbach is not eligible for reappointment.

- 4.5** Announce the term expirations of Jack Phillips and Robbie Marchant as members of the Board of Zoning Appeals effective July 31, 2014. Ms. Marchant is eligible for reappointment. Mr. Phillips is not eligible.

#### **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) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF THE SUBJECT OF THE

ACQUISITION OF 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.

Vice-Mayor Veach moved to convene into executive session at 7:23 p.m. *The motion was seconded by Mayor Minor then unanimously approved 5/0.*

Vice-Mayor Veach moved to reconvene in open session at 7:52 p.m. *The motion was seconded by Councilor Sullivan then unanimously approved 5/0.*

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	Absent
Vice-President McInturff	Absent
Mayor Minor	Aye
Councilor Sullivan	Aye
John Tagnesi	Absent
Vice-Mayor Veach	Aye
President Willingham	Aye

## 6.0 ADJOURNMENT

Councilor Clark moved to adjourn the meeting at 7:53 p.m. *The motion was seconded by Mayor Minor then unanimously approved 5/0.*

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