



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

A regular session of the Winchester Common Council was held on Tuesday, October 14, 2014 in the Council Chambers, Rouss City Hall. President John Willingham called the meeting to order at 7:00 p.m.

**PRESENT:** Councilor Jeff Buettner, Evan Clark, John Hill, Corey Sullivan and John Tagnesi; 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.

**APPROVAL OF MINUTES** – September 9, 2014 Regular Meeting, September 23, 2014 Special Meeting, September 23, 2014 Work Session, October 7, 2014 Work Session, and October 7, 2014 Special Meeting

Vice-President McInturff moved to approve the minutes as presented. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

**REPORT OF THE MAYOR**

**R-2014-35:** Resolution – Recognition of the heroic actions of Josiah Duffy in an emergency situation

Mayor Minor presented the resolution of recognition to Josiah Duffy.

Mayor Minor moved to approve R-2014-35. *The motion was seconded by Vice-President McInturff then unanimously approved by voice-vote.*

**REPORT OF THE CITY MANAGER**

City Manager Eden Freeman stated she had several good things to report beginning with the announcement that Fire and Rescue Chief Allen Baldwin achieved Chief EMS Officer Designation from the Center for Public Safety Excellence and the Commission on Professional Credentialing. This is a very significant professional accomplishment and one she is very proud of him for obtaining this early in his career. The City received a no match grant in the amount of \$55,000 from the State Homeland Security Program for the Hazmat Team new equipment. Ms. Freeman announced the leaf collection will begin on October 27<sup>th</sup> and suggested residents refer to the City's website for more information on the schedule. The Morris Men from Winchester, England performed on the Old Town

Mall yesterday. For those who were not able to see the performances, videos of the dances can be seen on the City's Facebook and YouTube pages. She announced registrations for the Insight Academy are being accepted now for the class beginning January 8<sup>th</sup>. Ms. Freemans stated probably the best news is Standards & Poor reaffirmed the City's AAA bond rating and upgraded the outlook on debt management to strong. This is especially important as the City goes to refinance the bond later this week and could result in significant savings to the City.

## **REPORT OF THE CITY ATTORNEY**

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

## **PUBLIC HEARINGS**

- 1.1 O-2014-37:** Public Hearing – AN ORDINANCE TO VACATE APPROXIMATELY 4,500 SQUARE FEET OF PUBLIC RIGHT OF WAY AT THE SOUTH END OF ROBERTS STREET AND CONVEY IT TO THE OWNER OF 1818 ROBERTS STREET TO ASSEMBLE IN WITH THAT LOT **SV-14-433**

*President Willingham asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:07 p.m.*

- 1.2 O-2014-38:** Second Reading – AN ORDINANCE TO AMEND SECTION 16.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO ALLOWABLE BUILDING HEIGHT IN THE EDUCATION, INSTITUTION AND PUBLIC USE (EIP) DISTRICT. **TA-14-354**

*President Willingham asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:07 p.m.*

Vice-President McInturff moved to approve O-2014-38. *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:*

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

- 1.3 CU-14-485:** Conditional Use Permit – Request of EFD Investments, LLC, for a Conditional Use Permit for extended stay lodging at 132 N. Braddock Street (Map Number 173-01-F-6 - > <01) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay

*President Willingham 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-President McInturff moved to approve CU-14-485. *The motion was seconded by Vice-Mayor Veach then unanimously approved by voice-vote.*

- 1.4 R-2014-33:** Resolution – Approval of the series of amendments made to the Citizen Participation Plan pending final public comment

*President Willingham 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-President McInturff moved to approve R-2014-33. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

- 1.5 R-2014-40:** Resolution – Provisional approval of amendments to the 2013-2017 Consolidated Plan pending future public comment

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

Vice-President McInturff moved to approve R-2014-40. *The motion was seconded by Councilor Tagnesi then unanimously approved by voice-vote.*

- 1.6 R-2014-42** – Adoption of Consolidated Annual Performance and Evaluation Report (CAPER)

*President Willingham asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:10 p.m.*

Vice-Mayor Veach moved to approve R-2014-42. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

## **2.0 PUBLIC COMMENTS**

*President Willingham asked if there was anyone wishing to address Council. Seeing none, he closed the public hearing at 7:10 p.m.*

President Willingham stated he would entertain a motion to add a closed session tonight for the consultation with legal counsel. *The motion was made by Vice-President McInturff, seconded by Vice-Mayor Veach, and then unanimously approved by voice-vote.*

### 3.0 CONSENT AGENDA

- 3.1 **O-2014-39:** First Reading – AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 18, AND 19 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS OF GROUP HOME; PROVISIONS FOR TEMPORARY HEALTH CARE STRUCTURES; PERMITTING, NOTIFICATION REQUIREMENTS, AND APPEAL PROCEDURES FOR FAMILY DAY HOMES; AND SITE PLAN EXPIRATION TIMELINES. **TA-14-477** (Amendment modifies several sections of the Zoning Ordinance to reflect changes made to the Code of Virginia in recent General Assembly sessions)
- 3.2 **O-2014-40:** First Reading – AN ORDINANCE TO REZONE 7.7076 ACRES OF LAND AT 940 CEDAR CREEK GRADE (*Map Number 249-01- -2 - > <01*) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH PLANNED DISTRICT DEVELOPMENT (PUD) OVERLAY AND PARTIAL CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY. **RZ-14-490**
- 3.3 **O-2014-36:** First Reading – AN ORDINANCE TO GRANT A PERMANENT EASEMENT TO TAYLOR PAVILION, LLC WITHIN THE PUBLIC RIGHT-OF-WAY IN FRONT OF 121-129 NORTH LOUDOUN STREET
- 3.4 **R-2014-38:** Resolution – Approval of Meadow Branch Extension Project
- 3.5 **R-2014-39:** Resolution – Approval of striping Meadow Branch Avenue
- 3.6 **R-2014-36:** Resolution – Adoption of City Council policy for remote participation by members in case of emergency and personal matters
- 3.7 **R-2014-41:** Resolution – Authorization to submit an amendment application to the Virginia Department of Housing and Community Development regarding the City of Winchester Enterprise Zone Program
- 3.8 **R-2014-44:** Resolution – Initiation of TA-14-645 AN ORDINANCE TO AMEND AND REENACT ARTICLES 3, 4, 5, 5.1, 6, 7, 8, 9, 10, 11, 12, 13, 15, 15.1, 16, 16.1, 18, AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO TELECOMMUNICATIONS FACILITIES, PERMIT AND REVIEW REQUIREMENTS, AND FEES
- 3.9 Motion to approve the request of the City Of Winchester for preliminary subdivision approval for a subdivision right-of-way dedication for Meadow Branch Avenue at 200 Merrimans Lane (*Map Number 149-01-7-A*) and 470 Merrimans Lane (*Map Number 169-01- -5*), zoned Conditional Highway Commercial (B-2) District, Education, Institution and Public Use (EIP) District, Medium Density Residential (MR) District, Low Density Residential (LR) and Residential Business (RB-1) District. **SD-14-532**

Mayor Minor moved to approve the Consent Agenda as presented. *The motion was seconded by Vice-President McInturff then unanimously approved by voice-vote.*

#### **4.0 AGENDA**

- 4.1** Motion to appoint \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ as in- house viewers for: AN ORDINANCE TO VACATE APPROXIMATELY 4,500 SQUARE FEET OF PUBLIC RIGHT OF WAY AT THE SOUTH END OF ROBERTS STREET AND CONVEY IT TO THE OWNER OF 1818 ROBERTS STREET TO ASSEMBLE IN WITH THAT LOT **SV-14-433**

Councilor Tagnesi moved to appoint Tyler Schenck, Perry Eisenach, and Allen Baldwin as the in-house viewers for O-2014-37. *The motion was seconded by Vice-President McInturff then unanimously approved by voice-vote.*

- 4.2** Motion to appoint Lauri Bridgeforth as a member of the Community Development Committee for a four year term expiring August 31, 2018

Councilor Clark moved to approve the appointment of Ms. Bridgeforth to the Community Development Committee. *The motion was seconded by Vice-Mayor Veach then unanimously approved by voice-vote.*

- 4.3** Announce the term expiration of Noah White as a member of the Board of Equalization of Real Estate Assessments effective December 31, 2014. Mr. White is eligible for reappointment.
- 4.4** Announce the term expiration of Michael Runion as an alternate member of the Board of Equalization of Real Estate Assessments effective December 31, 2014. Mr. Runion is eligible for reappointment.
- 4.5** Announce the term expiration of Cary Brubaker as a member of the Handley Library Board effective November 30, 2014. Ms. Brubaker is not eligible for reappointment.
- 4.6** Announce the term expiration of William Wiley as a member of the Planning Commission effective December 31, 2014. Mr. Wiley is eligible for reappointment.

**EXECUTIVE SESSION – 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 ON MATTERS OF ACTUAL OR PROBABLE LITIGATION**

Vice-President McInturff moved to convene in executive session at 7:13 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously approved by voice-vote.*

Vice-President McInturff moved to reconvene in open session at 8:07 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously approved by voice-vote.*

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
Councilor Sullivan	Aye
John Tagnesi	Aye
Vice-Mayor Veach	Aye
President Willingham	Aye

## **5.0 ADJOURNMENT**

Vice-President McInturff moved to adjourn the meeting at 8:08 p.m. *The motion was seconded by Councilor Buettner then unanimously approved by voice-vote.*

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