



**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
December 9, 2014**

A regular session of the Winchester Common Council was held on Tuesday, December 9, 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 – November 11, 2014 Regular Meeting, November 18, 2014 Work Session, and November 25, 2014 Work Session

Vice-President McInturff requested the November 18, 2014 and November 25, 2014 Work Session minutes be amended to reflect the meetings took place in Council Chambers and not the Exhibit Hall.

Mayor Minor requested the November 11, 2014 Regular Meeting minutes be amended to reflect the Discovery Museum was closed for two months not 9 months.

On a motion by Mayor Minor, seconded by Vice-Mayor Veach, the minutes were unanimously approved as amended.

REPORT OF THE MAYOR

R-2014-50: Resolution – Expressing sorrow at the death of former City of Winchester Councilor Eugene Babb

Mayor Minor read the Resolution of Sorrow for former Councilor Eugene Babb and moved for the resolution to be approved. *The motion was seconded by Vice-President McInturff then unanimously approved.*

Mayor Minor presented the resolution to Martha Griffin, Mr. Babb's daughter.

Mayor Minor announced the City is accepting registrations for the Insight Academy that will begin on January 8, 2015 and run through April 23, 2015.

REPORT OF THE CITY MANAGER

City Manager Eden Freeman was not present at the meeting.

REPORT OF THE CITY ATTORNEY

City Attorney Anthony Williams stated Council has in front of them a revised version of O-2014-42 and R-2014-47 that reflects the desire of some members of Council to have the regular meeting before the work session. If it is the desire of Council to adopt these amended versions, a motion would be needed before action is taken on each item.

PUBLIC HEARINGS

- 1.1 O-2014-42:** Second Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 2-24 OF THE WINCHESTER CITY CODE TO REVISE THE MEETING SCHEDULE OF COMMON COUNCIL AND ALLOW FOR AN ADDITIONAL REGULAR MONTHLY MEETING OF COMMON COUNCIL

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 made a motion to approve the amended version of O-2014-42 as presented. *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	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

- 1.2 O-2014-43:** Second Reading – AN ORDINANCE TO AMEND AND REENACT SECTION 10-6 AND ENACT SECTION 10-9 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIDE AND REAR YARD SETBACK REQUIREMENTS AND SPECIAL PROVISIONS FOR REDEVELOPMENT SITES IN THE COMMERCIAL INDUSTRIAL (CM-1) DISTRICT **TA-14-593** (*Amendment establishes zero side and rear yard setback conditions in limited situations for properties in the CM-1 district identified as redevelopment sites within the Comprehensive Plan's Character Map*)

Patrick Sowers of Pennoni Associates located at 117 East Piccadilly Street spoke in favor of the amendment and offered to answer 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 7:10 p.m.

Vice-President McInturff moved to approve O-2014-43. *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 Sullivan	Aye
Councilor Tagnesi	Aye
Vice-Mayor Veach	Aye
President Willingham	Aye

- 1.3 CU-14-637:** Conditional Use Permit – Request of Ben Pelletier on behalf of Verizon Wireless for a conditional use permit for modifications to a telecommunication antennas at 1955 Valley Avenue (Map Number 251-01- - 5) zoned Limited Industrial (M-1)

Ben Pelletier of Verizon Wireless offered to answer 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 7:11 p.m.

Vice-President McInturff moved to approve CU-14-637. *The motion was seconded by Councilor Hill then unanimously approved.*

- 1.4 CU-14-638:** Conditional Use Permit – Request of James Testa of Testa, Inc. for a conditional use permit single family detached dwelling at 2905 Shawnee Drive (Map Number 332-03- - 89) zoned Highway Commercial District (B-2)

James Testa of Testa, Inc., offered to answer 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 7:12 p.m.

Vice-President McInturff moved to approve CU-14-638. *The motion was seconded by Councilor Clark then unanimously approved.*

2.0 PUBLIC COMMENTS

Arthur Christjohn of 523 Fairmont Avenue expressed his concern that the information on his recent utility bill is incorrect and misleading. He presented copies of his statement that showed a billing date of October 8, 2014 for a billing period of July 21, 2014 to October 31, 2014 and expressed his concern over being billed for time that had not happened yet. The statement showed a billing length of 63 days but a closing reading date was not reported on the statement. Mr. Christjohn was also concerned the he was being billed for the October and November solid waste fee even though the billing period ended on October 31, 2014.

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.

3.0 CONSENT AGENDA

- 3.1 O-2014-44:** 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, 2015
- 3.2 O-2014-45:** First Reading – AN ORDINANCE TO AMEND AND REENACT ARTICLE 17 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO NONCONFORMING USES AND VESTED RIGHTS. (TA-14-476)
- 3.3 O-2014-48:** First Reading – 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. (TA-14-645)
- 3.4 O-2014-46:** First Reading – AN ORDINANCE TO REZONE 0.064 ACRES OF LAND AT 116 W. LEICESTER STREET (*Map Number 192-01-S-12*) & 118 W. LEICESTER STREET (*Map Number 192-01-S-13*) FROM MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING WITH HISTORIC WINCHESTER DISTRICT (HW) OVERLAY TO RESIDENTIAL BUSINESS DISTRICT (RB-1) ZONING WITH HISTORIC WINCHESTER DISTRICT (HW) OVERLAY. (RZ-14-625)(*The proposed rezoning would permit up to 2 units.*)
- 3.5 O-2014-47:** First Reading – AN ORDINANCE TO REZONE 0.736 ACRES OF LAND AT 2508 PAPERMILL ROAD (*Map Number 291-03- -1*) FROM INTENSIVE INDUSTRIAL DISTRICT (M-2) ZONING TO COMMERCIAL INDUSTRIAL DISTRICT (CM-1) ZONING. (RZ-14-639) (*The rezoning would permit retail development in conjunction with the adjoining property to the south.*)
- 3.6 R-2014-47:** Resolution – Adoption of a Schedule of Work Session and Regular Meetings for Year 2015

3.7 Motion to direct the Clerk of Council to prepare Certificates of Appreciation for William Wiley and Kevin McKannan for their service as members of the Planning Commission.

Vice-President McInturff requested R-2014-47 be removed from the Consent Agenda.

Vice-Mayor Veach moved to approve the remaining items on the Consent Agenda. *The motion was seconded by Mayor Minor then unanimously approved.*

R-2014-47: Resolution – Adoption of a Schedule of Work Session and Regular Meetings for Year 2015

Vice-President Milt McInturff moved to amend R-2014-47 as presented in the revised version. *The motion was seconded by Mayor Minor then unanimously approved.*

Vice-President McInturff moved to approve R-2014-47 as amended. The motion was seconded by Mayor Minor.

Vice-Mayor Veach moved to amend the resolution to remove the last paragraph allowing the Council President the discretion to cancel a meeting. The motion was seconded by Councilor Sullivan then defeated 2/7 with President Willingham, Mayor Minor, Vice-President McInturff and Councilors Buettner, Clark, Hill and Tagnesi voting in the negative.

The motion to approve the amended resolution was unanimously approved.

4.0 AGENDA

4.1 Announce the resignation of Kevin McKannan as a member of the Planning Commission effective December 31, 2014.

4.2 Motion to appoint _____ as a member of the Planning Commission to an unexpired four year term commencing on January 1, 2015 and ending December 31, 2017

Vice-President McInturff moved to appoint Rick Fieo as a member of the Planning Commission. *The motion was seconded by Councilor Buettner then unanimously approved.*

4.3 Motion to appoint _____ as a member of the Planning Commission to a four year term ending December 31, 2018

See below for action taken on this appointment.

4.4 Motion to appoint _____ as a member of the Towing and Recovery Advisory Board

Vice-President McInturff moved to appoint John Jackson to the Towing and Recovery Board. *The motion was seconded by Councilor Hill then unanimously approved.*

- 4.5 Motion** to appoint _____ as a member of the Lord Fairfax Community College Board to an unexpired four year term ending June 30, 2017

Vice-President McInturff moved to appoint Kathryn Rosa to the Lord Fairfax Community College Board. *The motion was seconded by Vice-Mayor Veach then unanimously approved.*

- 4.6 Announce** the resignation of Jacob Vickers III as a member of the Parks and Recreation Board effective November 19, 2014.

- 4.7 Motion** to appoint _____ as a member of the Parks and Recreation Board to an unexpired three year term ending April 30, 2017

Mayor Minor moved to appoint Regina Coates to the Parks and Recreation Board. *The motion was seconded by Councilor Hill then unanimously approved.*

- 4.8 Motion** to re-appoint _____ and appoint _____ as members of the Old Town Development Board each to a three year term expiring October 31, 2017

Vice-Mayor Veach moved to reappoint Corey Garman and appoint Kathleen Courtney to the Old Town Development Board. *The motion was seconded by Vice-President McInturff then unanimously approved.*

- 4.9 Motion** to appoint _____ as a member of the Handley Library Board to a four year term expiring November 30, 2018

Vice-President McInturff moved to appoint Gar Sydnor to the Handley Library Board. *The motion was seconded by Councilor Clark then unanimously approved.*

R-2014-49: Resolution – In honor of Councilor John Tagnesi

Mayor Minor read R-2014-49 in honor of Councilor Tagnesi and moved to approve the resolution. *The motion was seconded by Vice-President McInturff then unanimously approved.*

- Motion** to appoint _____ as a member of the Planning Commission to a four year term ending December 31, 2018

Vice-President McInturff moved to appoint John Tagnesi to the Planning Commission. *The motion was seconded by Vice-Mayor Veach then unanimously approved.*

Councilor Tagnesi stated that coming from a military to a political arena was quite a jump. When he is asked him what the biggest surprise of serving on Council was, he would respond there is a lot of action going on in this little town of 30,000 people. He never realized how much was going on. He has enjoyed working with this group of hard working, dedicated people for the past four years.

R-2014-48: Resolution – In honor of Councilor Jeff Buettner

Mayor Minor read the resolution honoring Councilor Buettner and moved to approve the resolution. *The motion was seconded by Vice-President McInturff then unanimously approved.*

Councilor Buettner stated it has been a really fun 16 years. He has enjoyed working with everybody at City Hall. They are a really dedicated staff as is everyone around this table. He thanked all of the citizens for their support.

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 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.

Vice-President McInturff moved to convene into executive session at 7:39 p.m. *The motion was seconded by Mayor Minor then unanimously approved.*

Vice-President McInturff moved to reconvene in open session at 8:03 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously approved.*

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
Councilor Tagnesi	Aye
Vice-Mayor Veach	Aye
President Willingham	Aye

President Willingham asked for a motion to add to the agenda a motion to authorize the President of Council to execute all closing documents associated with the Meadow Branch Extension Project and the associated John Kerr Elementary School Project including but not limited to the roadway funding agreement and the associated Memorandum of Agreement and to direct the City Attorney to take all necessary action to facilitate said closing on or before December 12, 2014 at 3:00 p.m. and to further authorize the City Attorney to use currently appropriated funds and future supplemental appropriations as needed to retain consulting, legal, and other support services as necessary in furtherance of the foregoing. In the event the closing does not occur on December 12, 2014 at 3:00 p.m. through no fault of the City, the City Attorney is authorized and directed to take all necessary legal action to protect the interests of the City and may retain such consulting, legal, and other support services as he deems reasonably necessary using currently appropriated funds and future supplemental appropriations as needed. *The motion was made by Vice-President McInturff, seconded by Councilor Clark, and then unanimously approved.*

Vice-President McInturff moved to authorize the President of Council to execute all closing documents associated with the Meadow Branch Extension Project and the associated John Kerr Elementary School Project including but not limited to the roadway funding agreement and the associated Memorandum of Agreement and to direct the City Attorney to take all necessary action to facilitate said closing on or before December 12, 2014 at 3:00 p.m. and to further authorize the City Attorney to use currently appropriated funds and future supplemental appropriations as needed to retain consulting, legal, and other support services as necessary in furtherance of the foregoing. In the event the closing does not occur on December 12, 2014 at 3:00 p.m. through no fault of the City, the City Attorney is authorized and directed to take all necessary legal action to protect the interests of the City and may retain such consulting, legal, and other support services as he deems reasonably necessary using currently appropriated funds and future supplemental appropriations as needed. *The motion was seconded by Councilor Clark then unanimously approved.*

6.0 ADJOURNMENT

Councilor Buettner moved to adjourn the meeting at 8:04 p.m. *The motion was seconded by Councilor Tagnesi then unanimously approved.*

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