



**WINCHESTER COMMON COUNCIL
IN REGULAR SESSION
MAY 12, 2015**

DRAFT

A regular session of the Winchester Common Council was held on Tuesday, May 12, 2015, in the Council Chambers, Rouss City Hall. President Willingham called the meeting to order at 6:00 p.m.

PRESENT: Councilor Evan Clark, John Hill and Corey Sullivan; Vice-President Milt McInturff; City Councilor Kevin McKannan and William Wiley; 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 – April 28, 2015 Regular Meeting and April 28, 2015 Work Session

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-2015-18: Honoring the retirement of Rick Burton

Mayor Minor moved to approve the R-2015-18 honoring Rick Burton. *The motion was seconded by Vice-President McInturff then unanimously approved by voice-vote.*

Mayor Minor announced that President Willingham, Ms. Freeman, and she attended the ground breaking ceremony for the new Cancer Center at the Winchester Medical Center. Although she hates that this is needed today, she thinks the center will be an asset to the City so patients can receive treatments locally. Mayor Minor also attended the first annual Golden Gavel Award Ceremony for the Winchester Public Schools. The event honored teachers who had the most impact on John Handley High School Seniors. Mayor Minor stated it was a wonderful, inspiring event that she hopes will be continued in the future.

REPORT OF THE CITY MANAGER

City Manager Eden Freeman announced the National Avenue demolition started last week for the new roundabout that is going to be constructed. The demolition went very well with all of the structures down in the first three days. The crews are now clearing up the remains. Ms. Freeman stated the Public Information Officer informed her that the short video of the demolition the City posted has reached over 30,000 people. The project is expected to be finished by the end of August with the landscaping done in September. Ms. Freeman announced KidzFest will be held this Saturday from 11:00 a.m. to 5:00 p.m. on the Loudoun Street Pedestrian Mall with over 4,000 people expected to attend. In addition, the Farmers Market will open this Saturday at the Taylor Pavilion with a ribbon cutting at 11:00 a.m. The market will run every Saturday from 9:00 to 1:00 through October 31st. Ms. Freeman stated the Recycling Collection scheduled for Memorial Day, May 25th, will be moved to Wednesday, May 27th. Yard waste will not be collected that day. Ms. Freeman announced it is National Police Week and reminded everyone to take time to honor the police officers who have made the ultimate sacrifice and those who protect us every day.

REPORT OF THE CITY ATTORNEY

City Attorney Anthony Williams stated he had nothing to report.

1.0 PUBLIC HEARINGS

2.0 PUBLIC COMMENTS

Arthur Christjohn of 523 Fairmont Avenue reported a sink hole in the public right of way in front of his home that he believes has occurred because of a water main break. Mr. Christjohn asked Council to have the water main break repaired before more damage is done and to fill in the sink hole.

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public hearing at 6:07 p.m.

3.0 CONSENT AGENDA

- 3.1 R-2015-13:** Resolution – Approval of the Personal Property Tax Relief Rate for tax year 2015 at the proposed rate of fifty-three percent (53%)
- 3.2 R-2015-12:** Resolution – Official Intent to Reimburse Expenditures with Proceeds of a Borrowing

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

4.0 AGENDA

4.1 O-2015-11: First Reading – AN ORDINANCE TO AUTHORIZE THE APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2016

Ms Freeman presented an update to the information for the FY16 Proposed Budget. She stated the projected fund balance and the projected revenue for FY16 have not changed. The expenditures have slightly changed due to adding a third full-time position for the Sheriff's office. This position will be funded by reducing the amount of part-time employee funding in the Sheriff's budget. Staff has identified a number of ongoing issues within the budget and one of those challenges is the amount the City pays in overtime each year. With the implementation of Novatime, the new employee timekeeping and payroll system, staff will be able to review how the public safety employees are scheduled to maximize the work during their regular schedules and minimize the amount of overtime. She stated the final proposed budget is \$83,115,000. Ms. Freeman also provided a list of the new unfunded mandates included in this year's budget and stated many of these will be ongoing.

4.2 R-2015-15: Resolution – Discouraging the City of Winchester City Council from participating in Ex Parte Communication after an item is presented during a City Council Work Session until their Formal Ruling during a City Council Regular Meeting

The discussion of this item was moved to after the Executive Session.

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 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, PERFORMANCE AND APPOINTMENT OF SPECIFIC PUBLIC OFFICERS APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER.

Vice-President McInturff moved to convene into Executive Session at 6:20 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously approved by voice-vote.*

Vice-President McInturff moved to reconvene into open session at 7:12 p.m. *The motion was seconded by Councilor Wiley 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 Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Councilor McKannan	Aye
Mayor Minor	Aye
Councilor Sullivan	Aye
Vice-Mayor Veach	Aye
Councilor Wiley	Aye
President Willingham	Aye

R-2015-15: Resolution – Discouraging the City of Winchester City Council from participating in Ex Parte Communication after an item is presented during a City Council Work Session until their Formal Ruling during a City Council Regular Meeting

President Willingham stated he wanted to clarify a couple of items on this issue. The first item is that this was a Council-initiated directive not a City Manager-initiated directive. Council asked Ms. Freeman to prepare this resolution on Council's behalf. The second item is this resolution was an attempt by this body to continually improve transparency in government and to allow for a more open discourse and process to the public. He stated the thought process was that if people had information to provide to this body, why not present it in public, in front of Council, in front of the camera, and in front of this body as a whole so all the members could get the information at once. It was not meant to discourage the opportunities for anyone to engage with Council in any conversations. It was meant to do the complete opposite. He stated at no point was this body ever restricting or attempted to restrict the conversations or dialogue that Council would have with any of their constituents. In fact, Council believes it would continue to enhance those conversations through this process because through an open, transparent government they can ask questions and follow up on any item brought before Council versus any items that may be discussed with Council that are offline. He stated the attempt through this resolution was to, in effect, be a more transparent way of governing rather than a less transparent way. Unfortunately, Council may not have articulated the intention well so he thinks there are a lot of people who do not understand what Council is trying to do. He recommended that

Council consider tabling the matter for further discussion and to ask Ms. Freeman to review the Virginia Municipal League and some of the other localities to provide Council with recommendations to continue enhancing transparency and improve public communications in a way that has been vetted in other jurisdictions and through best practices.

Mayor Minor moved to table R-2015-15. *The motion was seconded by Councilor Wiley then unanimously approved by voice-vote.*

6.0 ADJOURNMENT

Councilor Clark moved to adjourn the meeting at 7:15 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously approved by voice-vote.*

Kari J. Van Diest, CMC
Deputy Clerk of Council