



**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
JULY 28, 2015**

A regular session of the Winchester Common Council was held on Tuesday, July 28, 2015, in the Council Chambers, Rouss City Hall. President John Willingham called the meeting to order at 6:00 p.m.

PRESENT: Councilor John Hill, Kevin McKannan, Corey Sullivan and William Wiley; Vice President Milt McInturff; Mayor Elizabeth Minor; Vice Mayor Les Veach; President John Willingham (8)

ABSENT: Councilor Evan Clark (1)

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 – July 14, 2015 Special Meeting, July 14, 2015 Regular Meeting and July 14, 2015 Work Session

Vice-Mayor Veach moved to approve the minutes as presented. *The motion was seconded by Councilor Wiley then unanimously approved 8/0.*

REPORT OF THE MAYOR – Mayor Minor stated she did not have a report to present.

REPORT OF THE CITY MANAGER – City Manager Eden Freeman stated the Old Town's Friday Night Live held this month completely sold out before the event started with approximately 500 tickets sold. The next Friday Night Live event will be August 21st at the Taylor Pavilion with a country theme. The Old Town's Farmers' Market is still going strong. There are over 1000 people coming through every Saturday and has been extraordinarily well received by the community. Winchester was listed in the *Washington Post* about two weeks ago on the list of "12 Drivable Weekend Getaways" for Washington D.C. area residents. In addition, Winchester was included in an article in the *Washingtonian* magazine last week as one of the 25 great small towns that are charming, laid back and worth a visit. Everyone will want to keep a look out in early August for the fall Parks and Recreation Program Guide. She has seen it and thinks it is the best one yet! The dog park in Jim Barnett Park will be closed Thursday and Friday of this week for maintenance. Also, the contractor is

making really good progress on the National Avenue Gateway. Weather permitting; it will be open in time for the start of school on August 10th.

REPORT OF THE CITY ATTORNEY – City Attorney Anthony Williams stated he did not have a report to present.

1.0 PUBLIC HEARINGS

2.0 PUBLIC COMMENTS

Donna Trillio of 541 Battle Avenue stated she was surprised she was the only one here tonight regarding the City Seal and was disappointed that it was tabled until the August 11th meeting. She hopes those in favor of keeping the seal do not win by default by Council not making a decision one way or the other. She stated that during the last meeting, her observations were that people who were in favor of keeping the seal were all white males and those in support of changing the seal happened to be white and black, male and female, young and old which represents the city more broadly. She also noticed that not many of the gentlemen who supported keeping the seal gave their address. She questioned whether or not they were residents of Winchester and if not, would their opinions have more weight than hers. She doesn't know what they would have to lose if the seal is removed but the city has much to gain. She works with the police officers while going on mental health visits and has often wondered how seeing the battle flag on the police uniform patches affects the clients. It is a symbol of conflict. She also wonders how the city attracts diversity to its police force. She shared a quote by William Thompson, designer of the flag for the Confederacy, who said "As a people, we are fighting to maintain the Heaven-ordained supremacy of the white man over the inferior or colored race." She questioned where the opposing side who used history in their comments received their history from. She asked Council to make a decision and to not let this go away on its own by not making one.

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public hearing at 6:08 p.m.

3.0 CONSENT AGENDA

3.1 R-2015-27: Resolution – Approval of Amendments to the 2011, 2012, 2013, and 2014 Annual Action

Councilor Wiley moved to approve the Consent Agenda as presented. *The motion was seconded by Councilor Hill then unanimously approved 8/0.*

4.0 AGENDA

4.1 R-2015-28: Resolution – Approval of modifications near the intersection of Cork Street and Indian Alley

Perry Eisenach, Director of Public Services, stated at the last work session, Council moved forward modified option 1 with the removal of the motorcycle parking to create a turnaround area. His understanding is the alley would be closed off at the beginning of the parking lot leaving the rest of the alley with two-way traffic. Since the work session, staff prepared another proposal, modified option 3, that would close off the existing alley exit and move the traffic through the parking lot toward a right only exit onto Cork Street. The Winchester Parking Authority reviewed this option at their meeting last week and did not like any option that has cars exiting through their parking lot.

Councilor McKannan asked what the Parking Authority's reason was for not liking anything going through the parking lot. Mr. Eisenach stated the concern was safety. Councilor McKannan asked what the traffic count was going through the alley. Mr. Eisenach stated about 40 cars a day use that section of the alley.

Councilor Wiley asked if the proposed turn around area in the motorcycle parking will be enough for a car or truck to turn around with ease. Mr. Eisenach stated it would be.

Councilor Hill asked where the bus loading area is with modified option 3. Mr. Eisenach stated there is not a designated space for a bus loading area with that option. To make that happen, the area would have to be in front of the Discovery Museum but the crosswalk would have to be eliminated or it can be on the east side of the parking lot exit but that would take away metered spaces. The only option that allows for the bus loading zone is modified option 1. Councilor Hill asked if it would increase the parking in the area. Mr. Eisenach stated it would.

Vice Mayor Veach asked if the point of closure in the alley could be moved further south than it is proposed. Mr. Eisenach stated the location allows for the residents in the closest property to make a three point turn to go south down the alley.

Vice Mayor Veach asked if the buses would only be allowed to load or unload but not to park. Mr. Eisenach stated that is correct.

Councilor Sullivan asked what option the Planning Commission chose. Mr. Eisenach stated the Planning Commission chose option 3.

Councilor Sullivan stated a bus loading area is not proposed in modified option 3 and asked if the new exit would also be an entrance. He suggested including a bus loading area in modified option 3 with the buses temporarily blocking the exit of the parking lot while passengers unloaded. Mr. Eisenach stated he would need to look at that more. He would be hesitant to mark it as a bus area when it is an exit. Councilor

Sullivan stated his biggest concern is people having to do a three point turn in the end of the parking lot.

Mayor Minor asked to confirm the Planning Commission has not seen the modified option 3. Mr. Eisenach stated this item actually went to the Planning Commission first and the modified options came after that meeting so they have not seen either of the modified options.

Councilor Wiley stated there is no ideal solution as each option has their own issues but based on safety, usage and accomplishing a bus loading area, a crosswalk and turn around area in the parking lot, he moved to approve the modified option 1. The motion was seconded by Vice Mayor Veach.

Vice Mayor Veach asked if the Parking Authority looked at modified option 3 and what their preference was. Mr. Eisenach stated the authority did look at it during their recent meeting last Thursday but their preference was modified option 1.

President Willingham asked if there was a way to barricade it first to receive feedback before making it permanent to see if there are any unintended consequences. Mr. Eisenach stated the alley and exits could be closed but the parking spaces could not be created.

President Willingham suggested staff delay the commencement until a temporary test could be completed if that is the desire of Council. Councilor Wiley stated he was good with including that in the motion.

Councilor McKannan stated he agreed with doing a trial run as he is not completely sold on this option.

Ms. Freeman asked what test time period Council would prefer. President Willingham stated three months.

The motion was unanimously approved 8/0.

4.2 Presentation: Operations of the City of Winchester Water/Sewer Utility

Public Services Director Perry Eisenach presented an overview of the City's Water and Sewer Utility. He stated the first public water system was installed in the city in 1808. In 1829, the first cast iron water mains were installed and some are still in service making the system the third oldest in the United States. The city used Rouss Spring as its water source from 1890 until 1956 when the Percy Miller Treatment plant was constructed. Now, the city's water is drawn from the north fork of the Shenandoah River. The current system provides water to everyone with service in the city and some areas in the county. The City has agreements with Frederick County and Middletown to supply water. The

Utility operates as an Enterprise Fund with an annual budget of \$21 million and 62 employees. The water plant has a capacity of 10 million gallons of water per day and can be expanded to 14 million gallons per day. There have been \$28 million worth of improvements made to the plant between 2008 and today. However, the biggest challenge is replacing the old water mains. Mr. Eisenach stated the sewer system is 110 miles of gravity flow sewer mains made out of clay and PVC pipe. The system experiences significant infiltration during the wet season because water gets in the pipes. Like the water system, the biggest challenge to the sewer system is replacing the old pipes.

Mr. Eisenach stated the wastewater treatment plant is owned by the Frederick/Winchester Service Authority but is operated by the City. The Engineering department does a lot of other things with the City including GIS, storm water, and the review of development plans. The Customer Service department is responsible for all of the billing and collections from the customers. The staff is responsible for 70,000 transactions a year. The City is in the process of implementing new billing software to allow for online account access, automatic payments, and an automated phone system for account balances and phone payments.

Vice Mayor Veach asked what the percentage of ductile iron is left in the 125 miles of main. Mr. Eisenach stated it was 25-30%.

Councilor Hill asked if there is any difference between the two pressure zones in the city. Mr. Eisenach stated customers don't really know there are two zones because it is the same service. There are different pressure fluctuations but for the most part it is the same.

Councilor Hill asked if there will be an easier way to log a concern under the new system. Mr. Eisenach stated there will be a portal to allow customers to do that. The system will also allow staff to track any problem areas.

Councilor Sullivan asked if the meters are read the old fashioned way. Mr. Eisenach stated most of the commercial meters are pretty new and are read by a radio system. A vast majority of the residential meters are a touch pad where the meter reader has to go and touch the meter. One of the Capital Improvement Plan projects is to replace all of the small meters and convert them all to radio readers. Another advantage of the new meters is it will record the water usage by hour during a certain period to help determine leaks in the system.

President Willingham asked if there is a way for staff to determine leaks now. Mr. Eisenach stated staff is pro-active about that now. President Willingham asked if it will be in real time with the new software. Mr. Eisenach stated that is a good question that he would have to get an answer.

Councilor Sullivan asked if the sample of old pipe shown tonight was on display somewhere. Mr. Eisenach stated it is kept in his office.

Councilor McKannan asked what the storage tanks are used for. Mr. Eisenach stated the storage tanks hold about a day's worth of water that could be used in the event there was an issue at the plant.

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)(1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF THE EMPLOYMENT, ASSIGNMENT, APPOINTMENT, AND PERFORMANCE OF SPECIFIC PUBLIC OFFICERS APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER INCLUDING THE APPOINTMENT OF OR PROSPECTIVE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS.**

Councilor Wiley moved to convene into executive session at 6:46 p.m. *The motion was seconded by Vice Mayor Veach then unanimously approved 8/0.*

Vice President McInturff moved to reconvene in open session at 8:12 p.m. *The motion was seconded by Councilor Wiley then unanimously approved 8/0.*

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 Clark	Absent
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

6.0 ADJOURNMENT

Councilor Wiley moved to adjourn the meeting at 8:12 p.m. *The motion was seconded by Vice Mayor Veach then unanimously approved 8/0.*

Kari J. Van Diest, CMC
Deputy Clerk of Council