



**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
AUGUST 25, 2015**

DRAFT

A regular session of the Winchester Common Council was held on Tuesday, August 25, 2015, in the Council Chambers, Rouss City Hall. President John Willingham called the meeting to order at 6:11 p.m.

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

ABSENT: Mayor Elizabeth Minor (1)

MOMENT OF SILENCE – President Willingham led the citizens and councilors in a Moment of Silence.

PLEDGE OF ALLEGIANCE – Vice Mayor Veach led the citizens and councilors in the Pledge of Allegiance.

APPROVAL OF MINUTES – August 11, 2015 Regular Meeting and August 11, 2015 Work Session

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

REPORT OF THE MAYOR – Mayor Minor was not present at the meeting to present a report.

Councilor Clark announced that he will have much shorter hair for the next meeting as he will participate in a St. Baldrick's fundraiser and shave his head this weekend. The St. Baldrick's Foundation raises money to fund research to cure childhood cancer. He asked that anyone interested in supporting this cause to please contact him either directly or on his Facebook page.

REPORT OF THE CITY MANAGER – City Manager Eden Freeman announced the Winchester Police Department has received a grant for \$117,414 from the Virginia's Office of the Attorney General. These funds will be used to provide transportation to the Youth Development Center for some of the officers and the kids that attend the Timbrook House's programs. It will also be used to support the police department's community outreach efforts. She announced the Winchester Fire and Rescue Department received an Assistance to Firefighters Grant in the amount of \$11,600 for the replacement of the Rapid Intervention Team Rescue Air Packs. This is a very competitive national grant and the City is very proud of that award. Ms Freeman stated she is very excited to announce the City vs. County Charity Basketball game was played on August 15th and was a huge success. She is especially proud to report the City won 49-46 in overtime but also \$1,800 was raised from the event to support the Boys & Girls Club of the Northern Shenandoah Valley. She hopes to

continue this friendly rivalry next year and to do more great things for the community. She stated the Active Shooter Training exercise drill that was held this past Saturday went very well and included over 120 participants including personnel, actors and evaluators. Several City departments and offices including the Sheriff's office, Police Department, Winchester Fire and Rescue and the Winchester Public Schools participated in the event. It will be used as a base line moving forward to a larger scale event next year. She stated the Public Services Division in coordination with VDOT, will be working on the traffic signal timings on Route 7, also known as Berryville Avenue. There are increasing instances of traffic backing up onto Interstate 81 from the off ramps at that exit creating a very dangerous situation. The City is trying to get that worked out as quickly as possible. She stated Public Services also recently implemented the temporary changes to improve safety at Indian Alley and Cork Street adjacent to the Discovery Museum. Concrete barricades have been set in place and paving was completed for the turnaround area in the parking lot adjacent to the museum. Per Council's direction, those changes will be evaluated in three months and staff will bring those results back to Council.

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

1.0 PUBLIC HEARINGS

- 1.1 O-2015-15:** Second Reading: AN ORDINANCE AMENDING SECTION 8-2-19 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO GROUND FLOOR RESIDENTIAL CONVERSION OF EXISTING STRUCTURES WITH A CONDITIONAL USE PERMIT. *(Amendment will establish provisions to allow for conversion of nonresidential ground floor space to residential use with a conditional use permit in the B-2 district)*
TA-15-289

President Willingham asked if there was anyone wishing to address Council. Seeing none, he closed the public hearing at 6:16 p.m.

Vice-Mayor Veach moved to approve O-2015-15. *The motion was seconded by Vice President McInturff then adopted by the affirmative 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 Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Councilor McKannan	Aye
Mayor Minor	Absent
Councilor Sullivan	Aye
Vice-Mayor Veach	Aye
Councilor Wiley	Aye
President Willingham	Aye

- 1.2 O-2015-16:** Second Reading: AN ORDINANCE AMENDING SECTION 13-1-5 PUD OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO

BONUS INCENTIVES TO INCREASE ALLOWABLE RESIDENTIAL DENSITY FOR PLANNED UNIT DEVELOPMENTS. (*Amendment will establish additional density bonuses and allow for PUD projects to be considered for up to 27 units per acre if the project meets established design criteria.*) TA-15-323

Ty Lawson of 120 Exeter Drive in Frederick County requested the item be tabled for 30 days to allow his client to appear at a Work Session to answer any questions Council may have on the bonus incentives.

President Willingham asked if there was anyone wishing to address Council. Seeing none, he closed the public hearing at 6:18 p.m.

Vice-President McInturff moved to table O-2015-16 to the second Work Session in September. *The motion was seconded by Vice Mayor Veach then unanimously approved 8/0.*

2.0 PUBLIC COMMENTS

President Willingham asked if there was anyone wishing to address Council. Seeing none, he closed the public hearing at 6:19 p.m.

3.0 CONSENT AGENDA

- 3.1 R-2015-29:** Resolution to Authorize the Extension of the Governor's Development Opportunity Fund ("GOF") Performance Agreement between the City of Winchester, Virginia, Rubbermaid Commercial Products LLC, and the Economic Development Authority of the City of Winchester to June 30, 2016

Vice-President McInturff moved to approve the Consent Agenda as presented. *The motion was seconded by Councilor Wiley the unanimously approved 8/0.*

4.0 AGENDA

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 *specifically including but not limited to* current Winchester Circuit Court cases Mathias v. City of Winchester, and Henschel et. al. v. City of Winchester, 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, *specifically including but not limited to* the consideration of the possible resignation or retirement of a City employee and appointment of members to the Winchester School Board.

Vice President McInturff moved to convene into Executive Session at 6:21 p.m. *The motion was seconded by Councilor Clark then unanimously approved 8/0.*

Vice President McInturff moved to reconvene in open session at 7:44 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	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Councilor McKannan	Aye
Mayor Minor	Absent
Councilor Sullivan	Aye
Vice-Mayor Veach	Aye
Councilor Wiley	Aye
President Willingham	Aye

6.0 ADJOURNMENT

Councilor Wiley moved to adjourn the meeting at 7:44 p.m. *The motion was seconded by Councilor Clark then unanimously approved 8/0.*

Kari J. Van Diest, CMC
Deputy Clerk of Council