



**WINCHESTER COMMON COUNCIL
IN REGULAR MEETING
OCTOBER 27, 2015**

A Regular Meeting of the Winchester City Council was held on Tuesday, October 27, 2015 in the Council Chambers, Rouss City Hall. Council President John A. Willingham called the meeting to order at 6:00 PM.

CALL TO ORDER AND ROLL CALL

Present: Councilors Evan Clark, John Hill, Milt McInturff, Kevin McKannan, and Corey Sullivan; Mayor Elizabeth Minor; Vice Mayor Les Veach; Vice President William Wiley; and 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

2. Motion to approve the minutes from the October 13, 2015, Regular Meeting and the October 13, 2015, Work Session.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bill Wiley, Council Vice President
SECONDER:	John W. Hill, Council Member
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham

REPORT OF THE MAYOR

Mayor Minor presented a proclamation recognizing National Red Ribbon Week to Shenandoah Valley Young Marine Michael Jeziorowski. Mr. Jeziorowski thanked City Council for supporting the Young Marines in getting the anti-drug work out.

Mayor Minor announced the passing of former City Councilwoman Marie Keller and expressed her condolences to Ms. Keller's family. She stated a Resolution of Sorrow will be prepared for Council to present to the family.

REPORT OF THE CITY MANAGER

Eden Freeman stated Valley Avenue between Jubal Early and Cedar Creek Grade will be temporarily closed beginning this Friday morning at 6:00 a.m. through Tuesday, November 3rd, at 6:00 a.m. in order for the Winchester and Western Railroad to replace the railroad crossing. As everyone knows that has been a rough railroad crossing for quite some time and the City has been working to get it replaced. She expressed her excitement that the Public Services Department with Perry Eisenach was able to make that happen. Detours will be in place but the road will be closed with only local traffic being able to go through there. The Winchester Police Department is urging all of the residents and visitors to be very cautious in their driving on Saturday evening as it is Halloween. They also encourage Trick-or-Treaters to complete their trick or treating by 9:00 p.m. She asked everyone to visit www.winchesterpolice.org for Halloween safety tips. She stated she is very excited to announce that yesterday the City received word from the Government Finance Officers Association that the City's FY2016 Budget passed effective July 1, 2015, has received the Distinguished Budget Presentation Award for the third consecutive year. This is a wonderful achievement and is certainly indicative of all of Council's efforts to help staff to be as transparent as possible with the budget process. In addition, less than 1,500 organizations across North America have received this honor, so it is a very high achievement. She stated she would like to welcome Justin Kerns as the City's new Tourism Director for Winchester and Frederick County and looks forward to some great tourism efforts.

REPORT OF THE CITY ATTORNEY

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

1. PUBLIC HEARINGS

1.1.O-2015-23: Second Reading - An Ordinance to Amend Article IX of the Winchester City Code Pertaining to Assemblies, Demonstrations and Parades

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Les Veach, Vice Mayor
SECONDER:	Elizabeth Minor, Mayor
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham

1.2.O-2015-22: Second Reading - Rz-15-421 an Ordinance to Rezone Approximately 16.4 Acres of Land Containing Approximately 96 Parcels, Either in Full or in Part, to be Included in the Corridor Enhancement (CE) District; as Depicted on an Exhibit Entitled: "National Ave Proposed CE District" Prepared by Winchester Planning Department on 6/23/2015.

President Willingham asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 6:09 p.m.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Milt McInturff, Council Member
SECONDER:	John W. Hill, Council Member
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham

1.3.O-2015-25: Public Hearing - An Ordinance to Vacate a Portion of West Commercial Street Right of Way and Convey it to the Owner(S) of 143 West Commercial Street and 206 West Wyck Street Sv-15-448

Ben Butler, representative for the applicant, 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 6:10 p.m.

2. PUBLIC COMMENTS

President Willingham asked if there was anyone wishing to address Council. Seeing none, he closed the public comments at 6:11 p.m.

3. CONSENT AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Elizabeth Minor, Mayor
SECONDER:	Bill Wiley, Council Vice President
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham

3.1.R-2015-35: Approval of Tevis Street Extension Project

3.2.R-2015-36: Resolution Approving the Design of the New Welcome to Winchester Gateway Signs

3.3. Motion to reappoint Kevin Wolfe as a member of the Frederick-Winchester Service Authority for a three year term ending August 31, 2018.

3.4. Motion to reappoint Bill Pifer as a member of the Winchester Regional Airport Authority to a four year term ending June 30, 2019.

3.5. Motion to reappoint David Cavallaro as a member of the Old Town Development Board for a three year term ending October 31, 2018.

4. AGENDA

4.1.O-2015-26: Second Reading - TA-15-441 - AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 7, 8, 9, 10, 11, 12, 13, AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO THE DEFINITION OF BREWERY, DISTILLERY, MICRODISTILLERY, MICROBREWERY, NANOBREWERY, TASTING ROOM AND WINERY, PARKING REQUIREMENTS, AND USE STANDARDS. (The Amendment Creates Additional Definitions, Use Allowances, Parking Requirements, and Operational Standards for Breweries, Distilleries, Wineries and Related Uses).

Aaron Grisdale, Zoning and Building Inspections Administrator, updated Council on the changes made in response to the concerns expressed at the Work Session. He stated a slight change has been made to allow for outdoor storage in the Industrial Districts (M-1 and M-2) as long as the typical screening requirements, already established in the ordinance, are met. Another question regarded whether or not ABC licensing allowed for exterior tasting rooms and it does. Anyone choosing to have an exterior tasting room would need to meet the requirements of the Virginia ABC. He stated there were some slight revisions made to the definitions to make sure they matched up with the definitions provided in the Code of Virginia. Therefore, in the future the City's ordinance will change should the State's change.

4.2. Motion to appoint _____, _____, and _____ as In House Viewers for O-2015-25: AN ORDINANCE TO VACATE A PORTION OF WEST COMMERCIAL STREET RIGHT OF WAY AND CONVEY IT TO THE OWNER(S) OF 143 WEST COMMERCIAL STREET AND 206 WEST WYCK STREET SV-15-448

Vice President Wiley moved to appoint Perry Eisenach, Kimberly Murray and Allen Baldwin as the In-House Viewers for O-2015-25.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bill Wiley, Council Vice President
SECONDER:	Milt McInturff, Council Member
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham

4.3. Motion to add the Acquisition and Disposition of Real Property to tonight's Closed Session.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Milt McInturff, Council Member
SECONDER:	Elizabeth Minor, Mayor
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham

5. EXECUTIVE SESSION

(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 Jennifer Joyce Courtenay v. City of Winchester, and Henschel et. al. v. City of Winchester, AND

(2) 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 a disciplinary matter involving a City employee based on performance concerns and employment of a public officer, AND

(3) PURSUANT TO 2.2-3711(A)(29) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION OF THE AWARD OF A PUBLIC CONTRACT INVOLVING THE EXPENDITURE OF PUBLIC FUNDS, INCLUDING INTERVIEWS OF BIDDERS OR OFFERORS, AND DISCUSSION OF THE TERMS OR SCOPE OF SUCH CONTRACT, WHERE DISCUSSION IN AN OPEN SESSION WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR NEGOTIATING STRATEGY OF THE PUBLIC BODY. Specifically including but not limited to RFP #201423, AND

(4) PURSUANT TO 2.2-3711(A)(3) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION OF THE SUBJECT OF THE ACQUISITION AND DISPOSITION OF REAL PROPERTY WHERE DISCUSSION IN AN OPEN MEETING WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR NEGOTIATING STRATEGY OF THE PUBLIC BODY. Specifically, the consideration of a proposal for an exchange of real property located in the city of Winchester.

5.1. Motion to convene into Executive Session.

Mayor Minor moved to convene into Executive Session at 6:15 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Elizabeth Minor, Mayor
SECONDER:	Bill Wiley, Council Vice President
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham

5.2. Motion to reconvene in open session.

Vice President Wiley moved to reconvene in open session at 7:02 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bill Wiley, Council Vice President
SECONDER:	Elizabeth Minor, Mayor
AYES:	Clark, Hill, McInturff, McKannan, Minor, Sullivan, Veach, Wiley, Willingham

6. ADJOURNMENT

The meeting was adjourned at 7:02 PM.

Kari J. Van Diest, CMC
Deputy Clerk of Council