



**WINCHESTER COMMON COUNCIL
IN REGULAR SESSION
JANUARY 27, 2015**

DRAFT

A regular session of the Winchester Common Council was held on Tuesday, January 27, 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 – January 13, 2015 Regular Meeting and January 13, 2015 Work Session

President Willingham suggested the minutes of the January 13, 2015, Regular Meeting be changed to clarify the election of the Vice-Mayor position to read six people voted for Vice-Mayor Veach and two voted for Councilor Hill rather than the affirmative or negative votes.

Vice-President McInturff moved to approve the minutes as amended. *The motion was seconded by Councilor Wiley then unanimously approved by voice-vote.*

REPORT OF THE MAYOR

Proclamation – Honoring Abby Major as Winchester’s Master Chef

Mayor Minor presented the proclamation to Abby Major and told her one day she probably will have that restaurant/veterinarian clinic she dreams to open.

REPORT OF THE CITY MANAGER

City Manager Eden Freeman announced the City is hoping to launch a new emergency notification system in February called Everbridge. She stated citizens will be able to register to receive emergency notifications by text, email, voicemail, and more. Citizens who were registered in the previous system will need to reregister. Information about the roll out will be pushed out through social media and the website. Staff is working with Vice-President McInturff to revamp and streamline the boards and commissions’ recruitment and appointment process. More information on that will come as it develops. The 2nd Annual Chocolate event in Old Town will be held on February 7th from 2 – 5

p.m. and over 30 Old Town shops and restaurants are participating in providing discounts, chocolate samples, live entertainment, and more. The 2014 leaf and yard waste collection is finished and the 2015 collection will start again on March 11th. Ms. Freeman stated she wanted to send kudos, extreme kudos, to all the City's Waste and Recycling and Snow Removal crews who spent time away from their families the last few days to keep our streets clean and safe so we could all get about our business.

REPORT OF THE CITY ATTORNEY

City Attorney Anthony Williams stated on the agenda tonight, the manager updated item R-2015-03 regarding the Legislative Agenda to include opposition to House Bill 1744 which makes amendments to the grievance procedure under the State Code that is seen as unfavorable to local governments by the Local Government Attorneys of Virginia and likewise by VML.

1.0 PUBLIC HEARINGS

2.0 PUBLIC COMMENTS

Arthur Christjohn of 523 Fairmont Avenue expressed his concerns with the garbage pickup on Fairmont Avenue. He asked why the city is not picking up everything and billing extra for it. He stated after the last recycling day, he observed a lot of recycling blowing down the street and a lot of recycling bins that are not being picked up by the residents.

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

3.0 CONSENT AGENDA

- 3.1 R-2015-02:** Resolution – Authorize the Treasurer to issue refunds for erroneously paid personal property taxes to Federal Express Corporation in the amount of \$2,729.69 and Ryder Truck Rental Lease Trust in the amount of \$4,633.10

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-2015-01:** First Reading – AN ORDINANCE AMENDING AND REENACT ARTICLES 1, 18, 21 AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO MOBILE FOOD ESTABLISHMENT DEFINITIONS, PERMITS, AND FEES. TA-14-698 (*Proposal will establish basic permitting and operational standards for food trucks on private property.*)
- 4.2 Motion to rescind O-2014-46:** 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.*)

Planning Director Tim Youmans stated the Adjoining Property Owner letters for both this item and the next which Council took action on at the previous meeting referenced a 7:00 p.m. start time of the meeting instead of 6:00 p.m. At the December 2014 meeting, Council moved the regular meeting in front of the work session before adopting the new schedule. Unfortunately, the automated system printed the letters in December and staff failed to catch the time change. For this particular item, there were a number of citizens waiting in the hallway during the executive session at the last meeting who wished to speak on this item. From talking to the City Attorney and the City Manager, staff felt it is best that Council rescind the actions and hear these items again at the next regular meeting.

Mayor Minor moved to rescind O-2014-46. *The motion was seconded by Vice-President McInturff then unanimously approved by voice-vote.*

- 4.3 Motion to rescind O-2014-47:** 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.*)

Vice-President McInturff moved to rescind O-2014-47. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

- 4.4 R-2015-03:** Resolution – Adoption of the 2015 Legislative Agenda

Ms. Freeman stated she received outreach from VDOT and the Department of Historic Resources to start conversations to work through the issues discussed at a previous meeting . Item number three in the agenda packet is the item the City Attorney referenced House Bill 1744 and the City's objections to it. Staff also discussed putting House Bill 1670 in here but since Delegate Berg has withdrawn that item it is no longer included.

Mr. Williams stated there is a parallel bill to 1744 that impacts only schools so it might be a good idea to notify Winchester Public Schools so they can reach out about it.

Ms. Freeman stated she received word this morning from Preservation Virginia that a couple of bills are being proposed to set a sunset date on historic tax credits. They have just been filed so staff has not had time to do any analysis on the bills but a recommendation will be brought to Council if the bills move forward.

Vice-President McInturff moved to approve R-2015-03. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

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 6:18 p.m. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

Vice-President McInturff moved to reconvene in open session at 7:16 p.m. *The motion was seconded by Vice-Mayor Veach 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

President Willingham stated he would entertain a motion to add to the agenda a motion to direct the City Manager to freeze the hiring of all positions exclusive of the Human Resources Director, the Director of Economic Development, and public safety positions. *The motion was made by Vice-President McInturff, seconded by Councilor Clark, and then unanimously approved by voice-vote.*

Motion to direct the City Manager to freeze the hiring of all positions exclusive of the Human Resources Director, the Director of Economic Development, and public safety positions.

Vice-President McInturff moved to approve the direction to the City Manager to freeze the hiring of all positions excluding the Human Resources Director, the Director of Economic Development, and public safety positions. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

6.0 ADJOURNMENT

Vice-President McInturff moved to adjourn the meeting at 7:18 p.m. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

Kari J. Van Diest, CMC
Deputy Clerk of Council