

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
August 11, 2009**

A regular session of the Winchester Common Council was held on Tuesday, August 11, 2009 in the Council Chambers, Rouss City Hall. Vice-President Art Major called the meeting to order at 7:00 p.m.

PRESENT: Vice-Mayor Michael Butler; Councilor Evan Clark, John Hill, Milt McInturff, Les Veach and John Willingham; Vice-President Art Major; Mayor Elizabeth Minor (8)
ABSENT: President Jeff Buettner (1)

MOMENT OF SILENCE – Vice-President Major 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 7, 2009 Special Meeting, July 14, 2009 Regular Meeting, July 21, 2009 Special Meeting, and July 28, 2009 Special Meeting.

Councilor Veach moved to approve the minutes as presented. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

Vice-President Major presented a motion to add proposed supplemental allocation for the Detox Center. *The motion was seconded by Mayor Minor, and then unanimously approved by voice-vote.*

REPORT OF PRESIDENT

- Motion to approve supplemental allocations for The Winchester Detox Center.

Mayor Minor stated that she was glad to see this item on the agenda.

Vice-Mayor Butler agreed and stated he would support the vote.

Councilor Clark stated that he would support the vote.

Councilor McInturff stated that he would not support the vote.

Councilor Willingham clarified that the amount would be up to \$25,000.

Vice-President Major stated that staff would be directed to prepare an Ordinance with all of the information necessary for these allocations.

Vice-Mayor Butler clarified that Council would approve up to \$25,000 for the first six months.

Councilor Willingham stated that at the last meeting he agreed to forward this to Council and give one more chance to fund for the detox funding only. He would not support this next year.

Councilor Veach stated they he would like to see how the money would be allocated before supporting any additional funding.

Vice-Mayor Butler stated that Frederick County Administrator John Riley is currently working with allocating funds to the center as well. The City and the County would work together to help the center with a long-term plan of action, including on how to become self-sufficient and how to use public dollars wisely.

Vice-President Major stated the he would remain consistent not to support the allocations.

Vice-Mayor Butler moved that Council forward this request to staff to work out the appropriate wording for an ordinance based on discussion to present at the first reading meeting. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote with three Councilors in opposition.*

- Motion to approve a resolution honoring Archie L. Ritenour.

Councilor Willingham moved to approve the resolution. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Chairman Veach read and presented the Resolution.

- Motion to approve a resolution honoring Harry W. Ashburn.

Councilor Willingham moved to approve the resolution. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Chairman Veach read and presented the Resolution.

- Public Hearing: AN ORDINANCE TO AUTHORIZE THE ALLOCATION AND EXPENDITURE OF FUNDS FOR CITY MANAGER RECRUITMENT SERVICES.

No citizens came forward to address Council concerning this issue and the Vice-President declared the public hearing closed at 7:16 p.m.

- Public Hearing: AN ORDINANCE TO AMEND DIVISION 4 SECTION 27-28 OF THE WINCHESTER CITY CODE TO PROVIDE TAX EXEMPTION FOR SUBSTANTIALLY REHABILITATED PROPERTY.

Richard Bell, President of Preservation of Historic Winchester of 119 Peyton Street, Winchester, VA 22601 stated that he was opposed to the request. PHW is a very strong supporter of economic redevelopment efforts in the City. “Where they are sympathetic to the preservation to our architectural and cultural heritage, we are concerned when we hear of ordinances that may allow for the demolition of property. Our mission is to preserve our building stock. It’s not just about not demolishing things; we have supported and condoned demolitions in the past. It just concerns us when an ordinance may have a blanket flavor to it. There are other concerns as well as we read the proposed ordinance that leads to some confusion about how it may be interpreted or may be enforced. The utilization of the Department of Historical Resources as the Latent test may be statutorily appropriate, the regional representative of this group was not aware of that position that they were going to be asked of and felt there were many inconsistencies in the language and points of confusion in the ordinance to put them in a position of making an opinionated statement instead of a factual position.” He advised Council to be careful of their debate and asked for this item to be tabled or make modifications with an opportunity to get a clearer understanding of what was to be accomplished.

Franklin Wright, Board Member of the Preservation of Historic Winchester of 126 W. Cork Street, Winchester, VA 22601 stated that he was opposed to the request and his concern with the proposed language is that it was confusing and no basis in statute. If a said structure was assessed at less than \$50,000, the said structure could be demolished. If not a registered Virginia landmark or is determined by the Department of Historic Resources not to have contributory significance if in any registered historic district. The term contributory significance is not found in anywhere of DHR lexicon. This issue could be solved by merely stating “that if the structure is found to be non-contributing by DHR.”

With no further citizens to address Council, the Vice-President closed the hearing at 7:21 p.m.

- Public Hearing: AN ORDINANCE TO ADOPT DIVISION 6 SECTIONS 27-38 THROUGH 27-38.12 OF THE WINCHESTER CITY CODE TO PROVIDE TAX EXEMPTION FOR SOLAR ENERGY EQUIPMENT AND DEVICES.

No citizens came forward to address Council concerning this issue and the Vice-President declared the public hearing closed at 7:22 p.m.

- Second Reading, by title, for adoption: AN ORDINANCE TO AUTHORIZE THE ALLOCATION AND EXPENDITURE OF FUNDS FOR CITY MANAGER RECRUITMENT SERVICES.

The motion was adopted by the affirmative roll-call 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>
Vice-Mayor Butler	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Aye
Councilor McInturff	Aye
Mayor Minor	Aye
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Absent

- Vice-President Major recognized the participants of the Citizen’s Insight Academy that were in attendance.

REPORTS OF STANDING COMMITTEES

FINANCE AND ADMINISTRATION

Chairman Major presented the following:

- Second Reading, by title, for adoption: AN ORDINANCE TO AMEND DIVISION 4 SECTION 27-28 OF THE WINCHESTER CITY CODE TO PROVIDE TAX EXEMPTION FOR SUBSTANTIALLY REHABILITATED PROPERTY.

There was discussion regarding striking the language and replacing with “non-contributing structures.”

Vice-President Major stated that Council would make sure all other city ordinances in place would be considered when approving this ordinance.

Councilor Clark moved to table the ordinance until such a time that Council could meet with stakeholders in the downtown community, especially those that may be affected by this; and allow the stakeholders to sit down and review the ordinance with City officials to make sure it worked for the City, the City Government and the concerned citizens that are interested. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

- Second Reading, by title, for adoption: AN ORDINANCE TO ADOPT DIVISION 6 SECTIONS 27-38 THROUGH 27-38.12 OF THE WINCHESTER CITY CODE TO PROVIDE TAX EXEMPTION FOR SOLAR ENERGY EQUIPMENT AND DEVICES.

Councilor Clark stated that he was in support of the ordinance and this was what the City needed to help citizens “go green” and thanked City Attorney Anthony Williams and staff.

The motion was adopted by the affirmative roll-call 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>
Vice-Mayor Butler	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Aye
Councilor McInturff	Aye
Mayor Minor	Aye
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Absent

- Motion to approve updates to the Comprehensive Employee Management System (CEMS).

Councilor Willingham moved to approve the updates. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

- Motion to approve a resolution designating the entire geographic area of the city as a recovery zone for purposes of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds that may be issued from time to time pursuant to the provisions of the American Recovery and Reinvestment Act of 2009.

Councilor Willingham moved to approve the resolution. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

- Motion to approve the restructure of the Winchester Parking Authority staff.

Mayor Minor moved to approve the restructure. *The motion was seconded by Councilor Clark for the purpose of discussion.*

Councilor Willingham suggested that the Old Town Development Board and the Parking Authority should work out the final language changes in the restructure and the comprehensive understanding of exactly what was being proposed.

Councilor Willingham moved to table the restructure. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

PLANNING AND DEVELOPMENT

Chairman Butler presented the following:

- Motion to appoint Bryon L. Grigsby as the Shenandoah University representative to the Old Town Development Board for an indefinite term.

Councilor Willingham asked if Council agreed that all Boards and Commissions would have a term limited time frame instead of indefinite term.

City Attorney Anthony Williams stated that this was an appointment by the President of Shenandoah University and that's why it was worded as indefinite.

Chairman Butler moved to approve the appointment. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

Chairman Butler stated that he will also be bringing forth a name to replace Steve Northcutt at the next meeting as well.

- Announced the term expirations of Marilyn E. Finnemore and David Smith as members of the Old Town Development Board and direct the Clerk Pro Tempore to advertise the vacancies. Ms. Finnemore and Mr. Smith were eligible for re-appointment.

Mr. Butler stated that he had received concerns from surrounding citizens regarding the rehabilitation of a structure on the corner of Harvest Drive and Jubal Early Drive. He thanked Ursula Beam, very active citizens, staff and council for working to bring resolution to the rehabilitation of this structure.

PUBLIC SERVICES

Chairman Veach presented the following:

- Motion to direct the Clerk Pro Tempore to prepare a Certificate of Appreciation for Robina Bouffault as a member of the Winchester Parking Authority.

Chairman Veach moved to approve the certificate for Ms. Bouffault. *The motion was seconded by Councilor McInturff then unanimously approved by voice-vote.*

COMMUNITY SAFETY AND SERVICES

Chairman Minor had no report but thanked Police, Fire and Rescue and National Guard personnel for helping host a very successful National Night Out.

Mayor Minor stated that the Police Department and Citizens of Winchester celebrated the 26th Anniversary of National Night Out on August 4th. The community-police partnership was first held in August 1984 to increase the awareness of police programs such as drug prevention, neighborhood watch, and other anti-crime efforts. The celebration was held in 6 different locations where about 400 people came out to enjoy the hamburgers and hot dogs and to meet our local police officers and firemen.

HEALTH, EDUCATION AND WELFARE

Chairman Willingham presented the following:

- Motion to endorse the Transit Services Plan for WinFred Metropolitan Planning Organization (MPO).

Chairman Willingham stated that this was an overview of the plan and the City was not obligating to anything in the report but the endorsement of the actual plan.

Chairman Willingham moved to approve the endorsement. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

- Motion to appoint Matt Mintschenko, Brian Wigley, and Kyle Homan as members of the Parks and Recreation Board for three year terms expiring April 30, 2012.

Chairman Willingham moved to approve the appointments. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

- Motion to appoint Patrick Rodgers as a member of the Community Development Committee for a three year term ending December 31, 2011.

Councilor Willingham moved to approve the updates. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

- Announced the resignation of Michael Noel as a member of the School Board and direct the Clerk Pro Tempore to advertise the vacancy and prepare a Certificate of Appreciation.

NEW BUSINESS

Report of the Mayor

Mayor Minor thanked the Insight Citizen's Academy participants for attending the Council meeting and stated that she was pleased to announce that another installment of the Citizens INSIGHT Academy which provides a unique behind-the-scenes look at local government began with a Welcome Reception last Tuesday. Exciting session dealing with public safety, utilities, public schools and much more will take place every Tuesday and Thursday nights. She encouraged all citizens to experience this very informative program.

Mayor Minor stated that the Downtown Utilities Infrastructure Improvement project was progressing well. There were now new sidewalks on Cameron Street between Gerrard and Monmouth. The end of July marked the halfway point regarding the schedule to complete the work on Braddock and Cameron by the end of October.

Visitation at the Visitor Center was up slightly this July over last year with 1,861 visitors compared to 1,808. The top reason for coming in the center was Civil War. The top two states of visitation were Virginia and Pennsylvania.

ADJOURNMENT

Vice-Mayor Butler moved to adjourn the meeting at 7:38 p.m. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Robin Link
Deputy Clerk of the Common Council