

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
September 14, 2010**

A regular session of the Winchester Common Council was held on Tuesday, September 14, 2010 in the Council Chambers, Rouss City Hall. President Jeff Buettner called the meeting to order at 7:00 p.m.

PRESENT: President Jeff Buettner; Vice-Mayor Michael Butler; Councilor Evan Clark, John Hill, Milt McInturff, Les Veach and John Willingham; Vice-President Art Major; Mayor Elizabeth Minor (9)

ABSENT: None (0)

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

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

APPROVAL OF MINUTES – July 27, 2010 Work Session, August 10, 2010 Regular Session, and August 24, 2010 Work Session

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

REPORT OF THE MAYOR

Mayor Minor presented a proclamation declaring October 5, 2010, as Beach Boys Day in the City of Winchester to Denny Bromley, President of the Winchester Education Foundation.

Mayor Minor stated as schools are open in the city and county, please look out for our students as they wait for school buses and walk to and from school. She urged parents to be an integral part of their son or daughter's education and asked engage themselves and truly follow the city school's motto – "Learning for all – Whatever it takes!"

Mayor Minor stated the "Salsa with the Stars" dance competition donations have been tallied! The winner of the competition was our very own Sheriff Lenny Millholland and his partner Brenda Jovet. The 6 stars (Lenny Millholland, Stacey Iden, Ann Burkholder, Dallas Croft, Greg Van Sickler, and James Tulley) raised \$4,147.11 for the WINC Chain of Checks with their dance moves! The event was a tremendous success with a sold out

crowd enjoying the wonderful food and dancing under the stars! The recipient of this year's Chain of Checks is the Laurel Center.

Mayor Minor stated the Citizens Advisory Committee of the Winchester-Frederick Metropolitan Planning Organization (Win-Fred MPO) and representatives of Gorove/Slade Associates Inc. have scheduled a public meeting to provide information, answer questions and accept input from citizens on a Traffic Diversion Study currently underway for Millwood Avenue. The public meeting for the Millwood Avenue Traffic Diversion Study will be held at 6:00 pm on September 20 in the Lord Fairfax Room of the War Memorial Building in Jim Barnett Park.

Mayor Minor stated throughout the year, but especially at this time when we remember the tragedy of September 11, 2001, keep our enlisted men and women in the Middle East and all over the world in your thoughts and prayers

REPORT OF THE CITY MANAGER

Mr. James O'Connor stated there was nothing to report unless Council had questions for him.

REPORT OF THE CITY ATTORNEY

Mr. Anthony Williams stated there was nothing to report.

PUBLIC HEARINGS

O-2010-42: Second Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 2-7 OF THE WINCHESTER CITY CODE TO FACILITATE A CODE UPDATE / TEXT REVISION PERTAINING TO THE WINCHESTER FIRE AND RESCUE DEPARTMENT

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:07 p.m.

Vice-President Major moved to adopt the ordinance. *The motion was seconded by Councilor Willingham.*

Councilor Veach moved to amend the ordinance to add the Winchester Sherriff's Department to the list identified in Section 2 as part of the official public safety. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

The motion to adopt O-2010-42 as amended 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	Aye

O-2010-36: Second Reading - AN ORDINANCE TO AMEND AND REENACT ARTICLES 14, 21 AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO CERTIFICATES OF APPROPRIATENESS TA-10-247

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:08 p.m.

Councilor Willingham moved to adopt O-2010-36. *The motion was seconded by Councilor Veach then 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	Aye

O-2010-37: Second Reading - AN ORDINANCE TO AMEND AND REENACT ARTICLE 17 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO NONCONFORMING USES TA-10-332

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:09 p.m.

Councilor Willingham moved to adopt O-2010-37. *The motion was seconded by Vice-President Major then 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	Aye

O-2010-38: Second Reading - AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 3, 4, 5, 5.1, 6, 7, 8, 9, 13, 15, 15.1 AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO ASSISTED LIVING FACILITIES TA-10-333

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:10 p.m.

Vice-President Major moved to adopt O-2010-38. *The motion was seconded by Mayor Minor then 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	Aye

O-2010-39: Second Reading - AN ORDINANCE TO AMEND AND REENACT ARTICLES 20 AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO THE BOARD OF ZONING APPEALS TA-10-334

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:10 p.m.

Vice-Mayor Butler moved to adopt O-2010-39. *The motion was seconded by Vice-President Major then 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	Aye

O-2010-40: Second Reading - AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 3, 4, 5, 5.1, 6, AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO FAMILY DAY HOMES TA-10-337

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:11 p.m.

Vice-President Major moved to adopt O-2010-40. *The motion was seconded by Vice-Mayor Butler then 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	Aye

O-2010-41: Second Reading - AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 8 AND 10 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS AND USE PROVISIONS FOR BODY-PIERCING SALONS AND TATTOO PARLORS TA-10-340

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:12 p.m.

Councilor Willingham moved to table O-2010-41. *The motion was seconded by Councilor McInturff then unanimously approved by voice-vote.*

O-2010-43: Second Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 25-2, 25-17, AND 25-23 OF THE WINCHESTER CITY CODE PERTAINING TO SPECIAL ASSESSMENTS PARTICULARLY IN THE DOWNTOWN DISTRICTS

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:13 p.m.

Councilor Willingham moved to adopt O-2010-43. *The motion was seconded by Councilor Veach then 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	Aye

O-2010-44: Second Reading – AN ORDINANCE TO AMEND AND RE-ENACT SECTION 16-10 OF THE WINCHESTER CITY CODE PERTAINING TO PUBLIC PROFANITY AND DRUNKENNESS TO PROVIDE FOR REIMBURSEMENT FOR EXPENSES INCURRED BY THE CITY FOR PUBLIC INEBRIATE CENTER USAGE

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:14 p.m.

Mayor Minor moved to adopt O-2010-44. *The motion was seconded by Councilor Willingham then 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	Aye

O-2010-45: Second Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-19 OF THE WINCHESTER CITY CODE REGARDING REAL ESTATE TAX EXEMPTION FOR THE ELDERLY AND DISABLED

Todd Golding of 1027 Kinzel Drive asked Council to table this amendment tonight for a couple of reasons. First, there are two constitutional amendments on the ballot in November that will directly affect this amendment. One deals with property tax exemptions for certain veterans and the other will allow the General Assembly to pass legislation to allow localities to establish their own income or financial worth limitations for purposes of granting tax relief for homeowners. The second reason to table is the technical amendments to the ordinance that need to be corrected. It states the Code of Virginia §58.1-1311 was updated in March of 2008. Although the law passed in February 2008 and was signed by the Governor in March 2008, it did not go into effect until July 2008. The other correction is in section C which refers to §58.1-3213f of the Code of Virginia. That section of the State Code does not have anything to do with filing dates. As it is written, this new amendment eliminates the chance for first time applicants to apply after the deadline. This is a serious issue for the reason that although there is a need for a deadline and he understands that but if a citizen comes into the community and buys a house May 1st, they will have to pay the prorated taxes on that property for that year whether or not they qualify for this exemption. In the past, the City of Winchester has allowed first time applicants to qualify for this exemption and he thinks the City should continue to do so. He asked that Council simply table this ordinance and review it in detail to correct the items and to see if the proposed amendments pass in November.

No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:18 p.m.

Vice-President Major moved to adopt O-2010-45. The motion was seconded by Councilor Clark.

Vice-President Major questioned City Attorney Williams regarding the proposed amendments Mr. Golding referred to. Mr. Williams stated he is not familiar with the amendments but he is willing to discuss them with Mr. Golding.

Vice-President Major moved to table O-2010-45. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

O-2010-46: Second Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-43 OF THE WINCHESTER CITY CODE REGARDING CERTAIN HOUSEHOLD GOODS AND PERSONAL EFFECTS EXEMPT FROM LOCAL TAXATION

Eric Kirk of 367 East Piccadilly Street stated he has been a resident of Winchester for more than 30 years. He thanked the Mayor and City Council for hearing him out on this concern for not only himself but for many other people who were not able to be in attendance. In his research on this issue, he found that household goods and personal effects that are exempted include art and sculpture, guns, collectibles, furniture and many other items. He found that to be very harmful to him because you are profiling the fact that he is an owner of an antique vehicle of one type or another. Antique vehicles not only include cars but trucks, motorcycles and many other aspects of motorized convenience that is considered an antique. For the last 40 some years, he has been a member of the Antique Automobile Club of America. He has serviced 3 terms as president of the Shenandoah Region AACA. He will attend his 47th National AACA Meet in Hershey, Pennsylvania in October. He sees this as an attempt to get revenue from those owners with these vehicles. The vehicles are no less considered works of art as sculpture not just because they are 25 years old or older but because such noted facilities as the Metropolitan and other art museums have on display several different vehicles they consider works of art. He has been asked twice this year to participate in events at the Museum of the Shenandoah Valley. He enjoys participating in Apple Blossom and has worked diligently in the past 30 some years to make sure the Apple Blossom Festival, SABF Antique Car Show and Street Rod Show are well attended by many out of town people. If this ordinance is passed, he sees a marked lessening of people attending these things which would be a marked lessening of revenues of the different hotels, motels, and restaurants and a decrease in tourism. The citizens of the City of Winchester who own antique vehicles will cease to participate and will probably dispose of their vehicles. He will probably do just that to 4 of his vehicles. He would like to see this amendment defeated.

No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:09 p.m.

Councilor McInturff moved to adopt O-2010-46. The motion was seconded by Vice-Mayor Butler.

President Buettner moved to amend the ordinance to exempt antique vehicles. *The motion was seconded by Vice-Mayor Butler then passed 7/2 with Councilors Clark and McInturff voting in the negative.*

Councilor Clark stated he thinks antique vehicles are great but they are assets. The responsibility of our city is to tax people based on their assets not their income. We tax them on their real property and personal property in this case. He feels that people who have enough discretionary income to have 2 to 3 cars have the ability to pay taxes on

those assets. That is why he spoke up to tax people based on their assets and fairly collect taxes from all of the citizens in our city.

Councilor McInturff stated he has owned antique vehicles in the past. Sitting on this side of the table, he now thinks it was unfair for him to have had an antique vehicle at his home while his neighbor had the same vehicle in his garage. He chose to fix his up, paint it, show it, and go to the DMV to ask for the antique vehicle classification for a tax exemption when his neighbor did not. We don't look at our homes that way. In his opinion, this would have leveled the playing field for the Commissioner of the Revenue.

The amended ordinance was then 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	Nay
Councilor Hill	Aye
Vice-President Major	Aye
Councilor McInturff	Nay
Mayor Minor	Aye
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Aye

President Buettner stated the antique vehicles he owns are not licensed in the City of Winchester so his vote does not benefit him in any way.

CU-10-397: Conditional Use Permit: Request of Allen Cartwright, Jr. for a two-family dwelling at 362-364 Charles St (Map Number 174-01-Q-36) zoned Limited High Density Residential (HR-1) District.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:31 p.m.

Vice-President Major moved to approve CU-10-397. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

PUBLIC COMMENTS

Timothy Rush of 357 Foxridge Drive in Leesburg, Virginia, presented a summary of the LaRouche Political Action Committee's push for Congress to restore the Glass-Steagall Safeguards and asked for Council's support.

Kathleen Erickson of 9 West Jubal Early Drive expressed her support for the activities of the LaRouche Political Action Committee and asked for Council's support.

No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:43 p.m.

CONSENT AGENDA (motion required to forward for Second Reading)

O-2010-47: First Reading: AN ORDINANCE TO AMEND AND RE-ADOPT CHAPTER 27, ARTICLE II, DIVISION I OF THE WINCHESTER CITY CODE REGARDING IMPOSITION OF REAL PROPERTY TAX

O-2010-52: First Reading: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-8 OF THE WINCHESTER CITY CODE REGARDING REFUNDS OF ERRONEOUSLY ASSESSED TAXES

O-2010-48: First Reading: AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 27-31 THROUGH 27-37 OF THE WINCHESTER CITY CODE REGARDING APPLICATION, REVOCATION AND REVIEW OF PROPERTY TAX EXEMPTION BY DESIGNATION AND CLASSIFICATION

O-2010-53: First Reading: AN ORDINANCE TO APPROVE AND ADOPT A SPOT BLIGHT ABATEMENT PLAN AND TO DECLARE A PUBLIC NUISANCE PURSUANT TO SECTION 6-133 OF THE WINCHESTER CITY CODE, FOR THE STRUCTURE(S) AND PROPERTY LOCATED AT 319-321 SOUTH KENT STREET

O-2010-50: First Reading: AN ORDINANCE TO AMEND AND REENACT SECTION 18-9 OF THE WINCHESTER ZONING ORDINANCE PERTAINING FENCES TA-10-386

O-2010-51: First Reading: AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 3, 4, 5, 5.1, 6, 7, 13, 15, 16.1, 17, AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO URBAN GARDEN DEFINITIONS AND USE PROVISIONS TA-10-418

O-2010-54: First Reading: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF WATER AND SEWER SYSTEM REVENUE BONDS OF THE CITY OF WINCHESTER, VIRGINIA, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$14,110,000, TO PROVIDE FUNDS FOR CERTAIN IMPROVEMENTS TO THE CITY'S WATER AND SEWER SYSTEMS

Vice-Mayor Butler moved to approve the Consent Agenda. The motion was seconded by Mayor Minor.

Vice-President Major expressed his concern that not reading the ordinances for the First Reading does a disservice to the citizens.

President Buettner proceeded to read the First Readings and stated Vice-President Major's concerns will be discussed at the upcoming work session.

Vice-Mayor Butler's motion to approve the Consent Agenda was unanimously approved by voice-vote.

AGENDA

R-2010-49: Resolution – Amendment to CEMS pertaining to applicability grievance policy to the Assistant City Attorney

Councilor Veach moved to approve R-2010-49. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

R-2010-50: Resolution – Approval of classification for Assistant City Attorney

Vice-President Major moved to approve R-2010-50. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

R-2010-56: Resolution – Approval of classification to establish System Project Manager Position

Vice-Mayor Butler moved to approve R-2010-50. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

R-2010-51: Resolution – Application for Rescue Squad Assistance Fund Grant to purchase emergency medical equipment

Mayor Minor moved to approve R-2010-51. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

R-2010-53: Resolution – Support to secure Wilderness Road State Byway Designation

Mayor Minor moved to approve R-2010-53. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

R-2010-55: Resolution - Acceptance of Urban Development Area Planning Grant

Vice-President Major moved to approve R-2010-55. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

R-2010-54: Resolution - Baker Street Revitalization Plan

Councilor Veach moved to approve R-2010-54. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

R-2010-57: Resolution - RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT REFUNDING BONDS OF THE CITY OF WINCHESTER, VIRGINIA, IN A MAXIMUM PRINCIPAL AMOUNT OF \$91,000,000, PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF, PROVIDING FOR THE REFUNDING OF CERTAIN OUTSTANDING GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY, AND REPEALING A SIMILAR RESOLUTION ADOPTED ON APRIL 13, 2010

Vice-President Major moved to approve R-2010-57. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

Motion: Authorization of CSB Annual Performance Contract

Vice-President Major moved to approve the CSB Annual Performance Contract. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

Motion: Approval of 2009 U.S. Department of Housing and Urban Development Consolidated Annual Performance Evaluation Report (CAPER)

Mayor Minor moved to approve the 2009 Consolidated Annual Performance Evaluation Report. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

Motion: Authorize the Treasurer to issue a refund in the amount of \$3519.70 to Net Enforcers, Inc.

Councilor Willingham moved to approve the refund to Net Enforcers, Inc. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

Motion: Authorize the Treasurer to issue a refund in the amount of \$10,084.26 to Bankers Title Shenandoah LLC.

Vice-President Major moved to approve the refund to Bankers Title Shenandoah LLC. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Motion: Approval of Donald Crawford as an alternate member of the Board of Zoning Appeals for a 5 year term expiring July 31, 2015.

Mayor Minor moved to approve the appointment of Donald Crawford. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

Motion: Approval of Susan Roberts as a member of the Parks and Recreation Board for a 3 year term expiring April 30, 2013.

Councilor McInturff moved to approve the appointment of Susan Roberts. *The motion was seconded by Vice-Mayor Butler then unanimously approved by voice-vote.*

Motion: Approval of Benjamin “Bob” R. Pinner as a member of the Board of Architectural Review for a four year term expiring April 30, 2014.

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

Motion: Direct the Clerk to prepare a Certificate of Appreciation for Kimberly Sowers for serving as a member of the Old Town Development Board.

Mayor Minor moved to approve the Certificate of Appreciation. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

Announcement: Term expiration of Cary Brubaker as a member of the Handley Library Board effective November 30, 2010. Ms. Brubaker is eligible for re-appointment.

EXECUTIVE SESSION

MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(3) OF THE CODE OF VIRGINIA FOR CONSULTATION WITH LEGAL COUNSEL AND TO RECEIVE LEGAL ADVICE AND STATUS UPDATE CONCERNING A MATTER IN POTENTIAL LITIGATION REGARDING SPECIFIC REAL PROPERTY IN THE CITY OF WINCHESTER.

Councilor McInturff moved to convene into executive session at 7:58 p.m. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

Vice-Mayor Butler moved to reconvene in open session at 8:48 p.m. *The motion was seconded by Mayor Minor 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:

MEMBER	VOTE
Vice-Mayor Butler	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Aye
Councilor McInturff	Aye
Mayor Minor	Aye

Councilor Veach
Councilor Willingham
President Buettner

Aye
Aye
Aye

ADJOURNMENT

Councilor Willingham moved to adjourn the meeting at 8:49 p.m. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Kari J. Van Diest
Deputy Clerk of the Common Council