

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
March 8, 2011**

A regular session of the Winchester Common Council was held on Tuesday, March 8, 2011 in the Council Chambers, Rouss City Hall. President Jeff Buettner called the meeting to order at 7:00 p.m.

PRESENT: President Jeff Buettner; Councilor Evan Clark, John Hill, John Tagnesi, Les Veach and John Willingham; Vice-President Art Major; Vice-Mayor Milt McInturff; Mayor Elizabeth Minor (9)
ABSENT: None (0)

INVOCATION - Reverend Jim Utt, Grace Evangelical Lutheran Church

A Moment of Silence was held in Reverend Utt's absence

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

Motion to amend the March 8, 2001 Council Agenda to include an appointment to the Winchester Parking Authority

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

APPROVAL OF MINUTES – February 8, 2011 Regular Meeting, February 15, 2011 Work Session, and February 22, 2011 Work Session

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

REPORT OF THE MAYOR

Mayor Minor stated next week marks National Multiple Sclerosis Awareness Week. This is a time for people from all over the world to raise awareness about this debilitating disease and join the movement to find a cure for MS. We are very fortunate to have the local Blue Ridge Chapter of the National Multiple Sclerosis Society to provide programs and services to address the challenges of all those affected by MS.

Mayor Minor stated she is pleased to announce that our Fire and Rescue Department has received a grant to distribute and install free smoke detectors to homes in need here in Winchester. Statistics show that a working smoke detector reduces the risk of injury or death in a fire by 50%. Those in need should contact the Fire and Rescue Department at 662-2298 for more information.

Mayor Minor encouraged everyone to participate in the Winchester-Frederick County Tourism Board's Best Restaurant Contest. All restaurants in Winchester and Frederick County are eligible to win. The contest runs from March 7 to April 25, with the winner being announced during National Tourism Week in May. She stated she is confident many of the local eateries will be well represented in the voting and she looks forward to finding out who wins.

REPORT OF THE CITY MANAGER

City Manager Jim O'Connor stated the last two structure fires did not have smoke detectors or they were not operational. He hoped the smoke detector distribution will help in this area. He informed Council the Historical Survey will be done in the Old Town area west of Piccadilly Street between Fairmont and North Braddock Street on March 9th, 10th, 16th and 17th. Mr. O'Connor stated the City Employee Recognition Breakfast will be held on March 17th at 7:30 a.m. at the Lee Jackson Banquet Room and invited the members of Council to attend. He also stated the tour of the Water Treatment Plant will be this Saturday leaving City Hall at 9:00 a.m. Mr. O'Connor informed Council that staff is ready to proceed with the IT Committee as soon as they are ready.

President Buettner stated Councilors McInturff and Veach will serve on the committee.

REPORT OF THE CITY ATTORNEY

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

PUBLIC HEARINGS

O-2011-01: Second Reading - AN ORDINANCE TO CONDITIONALLY REZONE 629 CEDAR CREEK GRADE (*Map Number 270-1-1*) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY, B-2 WITH CE AND PLANNED UNIT DEVELOPMENT (PUD) OVERLAY, HIGH DENSITY RESIDENTIAL (HR) DISTRICT WITH CE AND PUD OVERLAY, AND HR WITH PUD OVERLAY TO B-2 WITH CE DISTRICT OVERLAY AND HR WITH PUD OVERLAY; AND, TO REVISE PROFFERS ASSOCIATED WITH CONDITIONAL ZONING OF 633 CEDAR CREEK GRADE (*Map Number 270-1-1A*) ZONED B-2 WITH CE AND PUD OVERLAY. RZ-10-712 The request amends some of the zoning proffers for 629 and 633 Cedar Creek Grade and better aligns zoning district boundaries with current and proposed property boundaries. The Comprehensive Plan calls for a combination of major commercial, open space, and high density residential use.

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 O-2011-01. *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>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
John Tagnesi	Aye
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Aye

O-2011-02: Second Reading – AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 29-18 OF THE WINCHESTER CITY CODE PERTAINING TO SEPARATE WATER AND SEWER CONNECTIONS

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-2011-02. *The motion was seconded 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>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
John Tagnesi	Aye
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Aye

O-2011-04: Second Reading – AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY OWNED BY THE CITY OF WINCHESTER LOCATED AT 150 COMMERCIAL STREET (FORMER LOCATION OF WINCHESTER/FREDERICK CO. HEALTH DEPARTMENT) TO THE WINCHESTER ECONOMIC DEVELOPMENT AUTHORITY FOR DISPOSITION

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

Vice-Mayor McInturff moved to adopt O-2011-04. 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>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
John Tagnesi	Aye
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Nay

PUBLIC COMMENTS

Larry Gale of 612 South Stewart Street stated he is an employee of the Winchester Public School System, the president of the Winchester Education Association, and a teacher at John Handley High School. He stated he would like to address Council about the school budget. When most people hear the Winchester Education Association, they think he is going to talk about teacher salaries. He will only say one thing about teacher salaries and that is Virginia is 8th in the United States for total income but ranks 32nd for pay for teachers and Winchester ranks 32nd in Virginia. Winchester is way below average in spite of the fact that Handley High School has been ranked as one of the best in the United States for several years in a row. Not because of the teachers at Handley but for the teachers in the elementary schools and on up to the 12th grade. There is a disconnection in what is paid for and what is produced. He wanted to talk more about money. We all know that the State of Virginia has dropped the ball on its constitutional responsibility and it no longer funds public education as it should. Every year the budget gets worse and the percentage of the amount the State provides drops farther and farther. It falls on this Council to pick up the ball on that. We all know how important public schools are to a city. He asked what happens to a city when the public schools are not properly funded. Urban schools have decayed mainly due to business and the public schools. We have to fund public schools. He closed with a newspaper article dated January 14, 2011 that stated “*Winchester voters approve \$18 million override for new elementary schools. More than 1/3 of Winchester 14,000 registered voters went to the polls on Tuesday to decide the fate of the town’s plans to build a new elementary school. When the ballots were tabulated, preliminary results revealed the project had been given the green light. Of the more than 5100 ballots cast, 3026 were in favor and 2121 were opposed. “I am thrilled that many of our citizens were engaged in the process and*

understood the importance of this project” said School Committee Chairman Sarah Bartolli. Local officials hope to open the new school in September 2013. They plan to put the project out to bid within a month. The time frame to adhere to is really tight.” Mr. Gale stated that is not Winchester, Virginia. It is Winchester, Massachusetts and the voters approved that in January of this year. That should be John Kerr. If you have been to John Kerr when there are kids in it, it is an embarrassment to the city. In spite of that, the teachers at John Kerr do an outstanding job. He stated he thinks we need to remember that when we talk about level funding. Level funding does not mean we are carrying on as we were. Level funding means cuts year after year after year.

Marsha Barley of 1206 Rodes Circle stated she is a proud graduate of Handley High School and a proud employee of the Winchester Public Schools. She is here tonight to offer some food for thought. The teachers go to their jobs every single day to deal with the children of this community – your children, your grandchildren, your neighbors. The teachers are there every single day with your children. They are there because they love it and not to get rich. She has been teaching for 33 years and her retirement is not looking as good as it used to. She looks at the people she eats lunch with every single day. There are some young people at her lunch table who have been employed in this system for 3 or 4 years and have never received a raise. They are trying to pay off students loans because they had a dream of wanting to be a teacher. They wanted to make a difference in this world and in this community. These young people have nothing to look forward to. She asked who is going to teach our children. She asked if Council is inviting young educators to stay in our school system when they have no extra pennies in their paycheck. These people give every single day; we all do, for your children, our children, our community, and our future. She asked Council to keep that in mind when they make decisions about teacher raises.

Jan Rogers of 536 Marion Street stated she returned to teaching 5 years ago at Daniel Morgan and has been a parent volunteer for many years. She stated she is a math teacher and would like Council to think about their math. She would like to understand how the concept of no raises for the Winchester Public School teachers comes to be a justified set of numbers. For the last three years, there has been no pay raise for teachers. She thanked Council for the wonderful facility at Daniel Morgan that has the technology they need. She thanked Council for investing in John Handley High School. It is amazing but wonderful facilities are not a substitute for a pay raise. Just because we have a wonderful building does not mean that we feel valued. Personally, she spends somewhere between \$500 and \$1000 in out of pocket expenses to cover what is needed in her classroom. This includes tissues, pencils, paper, notebooks, and binders. She is a full service store for those kids who need something. She also has snacks in her cabinet for those who come to school without breakfast. She wears the hat of teacher, social worker, and nurse all day long. No raise sends a message to teachers that they are not valued. Teachers have to feed their families and put gas in their cars. Many of the employees of the Winchester Public Schools drive 30 minutes or sometimes more to come to school. Teachers also have children in college and have tuition to pay to make their own children contributing people in society. She asked how the City of Winchester can spend all of the money on beautiful light fixtures in Old Town, raised flower beds, expensive curbing, fancy signage

in Old Town and yet not send a message to teachers who do all Ms. Barley mentioned every day that you are willing to spend money on showy things but not invest in the people responsible for raising the future citizens of this town. She asked that Council please reconsider whatever their math is why teachers are not going to deserve a raise after a third year. She asked Council to look at the numbers again to see if there is something else that could cover the cost. Teachers should not be responsible for balancing the budget of the City of Winchester.

President Buettner stated Council appreciates the fact that there have been no raises for three years. It is the same for City employees. It is not something we like or are proud of but it is reality in these economic times. If we look at 2006 which was our highest revenue year, we are down over 30% in revenues. In that same time period, expenditures for Schools have gone up 14%. Even though we have seen an incredible shrinking in our revenues, we have still managed to increase spending on Schools compared to our Police Department which is now down 15% in that same time period. It is not that we don't value schools; it is a function of the economy and the revenues coming in. We currently spend 49% of the budget on the Winchester School System. In 2006, we spent 30%. The school system is taking a larger and larger share of our budget trying to invest in having a good school system. As far as teacher raises, that is not a function of City Council. We write a check to the school system and the School Board determines how that money is divided. We do not control that. Any decision on teacher pay is a School Board function not a City Council function. Of the 36 cities in the State of Virginia, Winchester ranks in the top ten in spending per pupil. He thinks Council is investing with 49% of the budget and the top ten in expenditures per pupil. You have to appreciate that these are not good economic times. As far as the spending downtown, the City has General Obligation Bonds which is what Handley was funded with. Those are bonds the City issues that are paid back in taxes. We can also issue Revenue Bonds which are what the parking garage, street improvements, and water/sewer improvements are paid with. We cannot take that money and spend it on the school system. It would be a violation of state law. Those are monies tied to a specific project and are paid for through revenues generated from that department like the Utilities Department in this case. That is not General Obligation money coming out of the General Fund. It is coming out of the Water and Sewer fees. They are two very different revenue streams.

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

CONSENT AGENDA

R-2011-08: Resolution – Approval for Application for CLG Grant Funding for Historic District Survey

R-2011-09: Resolution – Approval for Application for CLG Grant Funding for 2011 Preservation Virginia Conference to be held in the City of Winchester

Vice-President Major moved to approve the items on the Consent Agenda. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

AGENDA

O-2011-05: First Reading - AN ORDINANCE TO ADOPT SECTION 5-15 OF THE WINCHESTER CITY CODE PERTAINING TO PROHIBITION OF ANIMALS IN THE FESTIVAL AREA DURING SPECIFIED EVENTS

O-2011-05: First Reading - AN ORDINANCE TO AUTHORIZE THE RENTAL OF A PORTION OF THE REAL PROPERTY OWNED BY THE CITY OF WINCHESTER LOCATED AT 301 EAST CORK STREET TO WINCHESTER PUBLIC SCHOOLS

O-2011-06: First Reading - AN ORDINANCE TO AMEND AND RE-ENACT SECTION 27-10 OF THE WINCHESTER CITY CODE BY CHANGING THE TAX RATE ON REAL PROPERTY FROM SEVENTY-SEVEN CENTS (\$0.77) FOR EVERY ONE HUNDRED DOLLARS (\$100.00) OF THE ASSESSED VALUE THEREFORE TO EIGHTY-SIX CENTS (\$0.86) FOR EVERY ONE HUNDRED DOLLARS (\$100.00) OF THE ASSESSED VALUE THEREFORE

Motion to appoint _____ and _____ as members of the Planning Commission for a four year term expiring December 31, 2014

Councilor Willingham moved to appoint William Wiley and Jennifer Beatley as members of the Planning Commission. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Motion to appoint _____, _____, _____, and _____ as members of the Old Town Development Board for a three year term expiring October 31, 2013

Councilor Willingham moved to appoint Kim Burke, David Spence, Stan Corneal, and Brenda Adams as members of the Old Town Development Board. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

Motion to appoint _____ as a member of the Winchester Parking Authority for a five year term expiring May 31, 2016

Councilor Willingham moved to appoint Michael Miller as a member of the Winchester Parking Authority. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

Motion to recommend Cathy Shore, Christopher Martin, William Pifer, and Noah White as members of the Board of Equalization of Real Estate Assessments for a one year term expiring December 31, 2011

Vice-President Major moved to approve the recommendations. *The motion was seconded by Mayor Minot then unanimously approved by voice-vote.*

Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Michael Miller for his service on the Old Town Development Board

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

Announcement: The appointment of the following Council Liaison Positions made by the President of Council – Evan Clark to the Criminal Justice Board, the Shenandoah Valley Regional Commission, and the Old Dominion ASAP Board; Elizabeth Minor to the Regional Jail Board, the Tourism Board, and the Budget Committee; Art Major to the Regional Jail Board, the Budget Committee, and the Frederick County-Winchester Service Authority; John Tagnesi to the Winchester-Frederick County Economic Development Commission and the Planning Commission; John Willingham to the Winchester-Frederick County Metropolitan Planning Organization and the Old Town Development Board; John Hill to the Winchester-Frederick County Metropolitan Planning Organization and the Community Development Committee; Les Veach to the Community Development Committee and the Winchester School Board; Milt McInturff to the Parks & Recreation Board; and Jim O’Connor to the Our Health Board, the Social Services Advisory Board, the Winchester Parking Authority, and the Landfill Oversight Committee.

Announcement: The term expiration of Conrad Koneczny as a member of the Board of Zoning Appeals effective May 31, 2011 and direct the Clerk of Council to advertise the vacancy.

Announcement: The term expiration of R. William Bayliss as a member of the Winchester Parking Authority effective May 31, 2011 and direct the Clerk of Council to advertise the vacancy.

EXECUTIVE SESSION

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 AND PURSUANT TO §2.2-3711(A)(3) AND (6) FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF THE SUBJECT OF THE ACQUISITION OF AN INTEREST IN REAL PROPERTY FOR A PUBLIC PURPOSE AND FOR THE PURPOSE OF DISCUSSION OF THE SUBJECT OF INVESTMENT OF PUBLIC FUNDS WHERE BARGAINING IS INVOLVED, AND WHERE IF MADE PUBLIC, THE BARGAINING POSITION OR FINANCIAL INTEREST OF THE CITY WOULD BE ADVERSELY AFFECTED.

Vice-President Major moved to convene into executive session at 7:27 p.m. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

Councilor Clark moved to reconvene in open session at 8:53 p.m. *The motion was seconded by Councilor Tagnesi 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
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
John Tagnesi	Aye
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Aye

Vice-President Major moved to direct the City Attorney to dispose of Warrant in Debt number GV 11-1255. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

ADJOURNMENT

With no further business to discuss, President Buettner adjourned the meeting at 8:53 p.m.

Kari J. Van Diest
Deputy Clerk of the Common Council