

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
April 12, 2010**

A regular session of the Winchester Common Council was held on Tuesday, April 12, 2010 in the Council Chambers, Rouss City Hall. President Jeffrey Buettner called the meeting to order at 7:00 p.m.

PRESENT: President Jeff Buettner; Councilor Evan Clark, John Tagnesi and John Willingham; Vice-President Art Major; Vice-Mayor Milt McInturff; Mayor Elizabeth Minor (7)

ABSENT: Councilor John Hill and Les Veach (2)

President Buettner welcomed Boy Scout Troop 21 to the meeting and stated they were working on their Merit Citizenship badge.

INVOCATION – Rabbi Scott Sperling, Beth El Congregation, delivered the invocation.

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

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

Vice-President Major 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 stated this week is dedicated as honoring National Public Safety Telecommunications. In the City's 9-1-1 center, 12 professional staff are trained to answer our emergency calls 24 hours a day, 365 days a year. This dedicated team dispatches police, fire and EMS personnel to aid us in our most vulnerable times. It is a stressful, but rewarding career, and we honor our staff in the Emergency Communications Center and thank them for the great work.

She stated April is National Child Abuse Prevention month. Every child is precious and deserves to grow up in a healthy, safe, nurturing environment free from the threats, dangers, and harmful effects of child abuse and neglect. Child abuse and neglect impacts our entire society and can cause traumatic psychological, emotional and physical harm which can lead to poor outcomes, detrimental behaviors and mental and physical illness for children and adults. WE can all help reduce child abuse and neglect in Winchester by volunteering at schools, sports teams, and other programs that sponsor healthy, supportive relationships with children. Mayor Minor encouraged all citizens to recognize that prevention starts with each of us. And speaking of working with children, on April 6 two City employees were recognized by the Juvenile and Domestic Relations Court for their diligent work serving the youth of our community. Social Worker Alicia Aston of the City's Department of Social Services and Assistant Superintendent Erin Maloney of the Northwest Regional Juvenile Detention Center both received "Tigger Awards" for

their commitment to the young people they serve. Judge Elizabeth Kellas named the award after the loveable Disney character because it exemplifies the recipients' relentless approach. Just like Tigger, these honorees never give up, keep going until they find the answer, and serve the families and children of our community as they should be-- uniquely their own.

Mayor Minor announced the City of Winchester and Old Town Development Board were recognized for building rehabilitations, volunteer commitment and \$100 million privately invested in downtown revitalization efforts at the Virginia Main Street Annual Achievements Luncheon on Thursday, March 31 in Richmond Virginia.

1. The Old Town Development Board (OTDB) volunteers were recognized for committing more than 30,000 volunteer hours since 1997; and,
2. OTDB and the City of Winchester received an award for 250 building rehabilitations since being designated a Main Street Community in 1985.
3. Winchester was also the first Designated Virginia Main Street community to reach the milestone of \$100 million privately invested in its historic commercial district.

Mayor Minor stated since 1985, the year that Winchester became a designated Virginia Main Street community, private investment projects in our downtown have been recorded and tracked as a way to measure the effects of our revitalization efforts. One of our early defining renovation projects was the renovation of the 9 Court Square buildings, which laid the groundwork for our more recent larger projects such as the GW Hotel and Jones Knitting Mill, plus many, many buildings on and around the Loudoun Street Mall. This milestone award was earned by everyone who shares our passion for preserving Winchester's historic buildings and rejuvenating activity in the downtown district. On behalf of Winchester City Council, I want to share a "thank you" to our many partners from the City of Winchester for your confidence and belief that Old Town Winchester is truly a remarkable place to be.

Last, but certainly not least, Doo Dah Day and the Shenandoah Apple Blossom Festival events are annual rites of spring for our community and are right around the corner. Please enjoy the festivities and have a safe and Happy Bloom!

REPORT OF THE CITY MANAGER

City Manager James O'Connor stated an application has been received from the Shenandoah Community Residences for a tax exempt status by designation. He recommended denial predicated upon the fact that the clientele served by this facility, the mentally handicapped and their families, will require public services typically paid by property taxes. The revenue impact although relatively small, \$2281.51 annually, does represent an offset of cost for services provided. It should be noted that the services provided are for citizens of the Virginia Commonwealth not just for residents of Winchester.

President Buettner asked if action needed to be taken on this item. City Attorney Anthony Williams stated if a motion to add it to a work session is not made, it dies as is.

Mr. O'Connor concluded his report.

REPORT OF THE CITY ATTORNEY

City Attorney Anthony Williams stated he is looking for direction and guidance from Council in regards to an order for notice and hearing that was received in regard to the Washington Gas Light Company / State Corporation Commission matter that was recently filed. The City has until April 29th to file a notice of participation if we chose to participate in the case. The case actually arises as the result of the expiration of the existing stipulation agreement which required Washington Gas Light to be under a regulation of their rates. They were required under this agreement to extend that current plan, implement a new plan, or file an applicant for a general rate increase. They elected to file for a general rate increase because according to the application, the company is not earning sufficient annual revenue to cover its cost of service. Mr. Williams asked if it is the will of Council that he proceed to file a notice of participation such that Winchester would be an active participant in the case. He recommended filing to preserve the ability to take an active role. If Council chooses not to file, the city can participate in support of those who do file but in this stage it would be more prudent to file to take a more active role if needed.

Vice-President Major moved to file and participate. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

PUBLIC HEARINGS

O-2011-05: Second 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

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

Vice-President Major moved to adopt O-2011-05. *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>
Councilor Clark	Aye
Councilor Hill	Absent
Vice-President Major	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
John Tagnesi	Aye
Councilor Veach	Absent
Councilor Willingham	Aye
President Buettner	Aye

O-2011-06: Second 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

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-2011-06. *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>
Councilor Clark	Aye
Councilor Hill	Absent
Vice-President Major	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
John Tagnesi	Aye
Councilor Veach	Absent
Councilor Willingham	Aye
President Buettner	Aye

O-2011-07: Second 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

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

Vice-President Major moved to adopt O-2011-07. *The motion was seconded by Vice-Mayor McInturff 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	Absent
Vice-President Major	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
John Tagnesi	Aye
Councilor Veach	Absent
Councilor Willingham	Aye
President Buettner	Aye

CU-11-62: Conditional Use Permit - Request of Jonathan Cole dba T.C. Tooties Historic Sports Pub for a conditional use permit for nightclub use at 2235 Valor Drive (*Map Numbers 270-06-4-L, M & N*) zoned Highway Commercial (B-2) District.

Jonathan Cole, owner of T.C. Tooties Sports Club, thanked Council for the opportunity to speak. He apologized for the tardiness of his application. He was in discussion with Mr. Diem the entire time and was given some leeway. Although it took him longer than it should have, he was in no way trying to disobey the rules or go about things his own way. Since then, he has put systems in place. There is an assistant manager in the daytime to take care of the taxes and permits so he can focus on the day to day stuff. In regards to the trash in the side yard, his staff goes out each morning to pick up anything left in the yard. As much as he would like to, he cannot control the people walking through the homeowner's yard. In regards to the number of police calls, there has only been one altercation at the establishment. All other calls have been made when he did not feel staff could calm down the situation. The responding officers have commented on how well his staff does in not having altercations and getting the people out quickly and running smoothly. He wanted Council to know that he does try to run things clean and in the right way. He is responsible for how things look to the city and the community. He is responsible for his staff and their children. He tries to give free cab rides home and back to their car in the morning. He wanted to clear the air about who they are and what they try to do and apologized for things not being the right way.

With no further citizens to address Council concerning this issue, the President declared the public hearing closed at 7:18 p.m.

Vice-President Major moved to approve CU-11-62. The motion was seconded by Mayor Minor.

Vice-Mayor McInturff asked for Police Chief Kevin Sanzenbacher to comment on Mr. Cole's statements. Chief Sanzenbacher stated Mr. Cole was accurate in the statements made.

Vice-Mayor McInturff asked Zoning Administrator Vince Diem to present an update on Mr. Cole's participation to the rules. Mr. Diem stated all of the issues were immediately addressed.

Councilor Clark asked if the establishment is current on their taxes. Commissioner of Revenue Ann Burkholder stated the taxes are current.

Vice-President Major asked where the zoning issues were. Mr. Diem stated the issues were with tax payments and initiating construction without a permit which Mr. Cole immediately came in to apply for.

Vice-President Major stated previous requests have been tabled to see if the applicant played by the rules and moved to table the CUP request for 3 months. *The motion was seconded by Vice-Mayor McInturff than approved 5/2 with Councilors Clark and Tagnesi voting in the negative.*

PUBLIC COMMENTS

Jerry Wilson of 103 Patrick Place in Stephens City stated he is the Division Manager of Allied Waste Services. He and his competitor at Waste Management have stopped many councilors to discuss the changes to the noise ordinance. He looks forward to working with Council to try to find a mutual agreement to allow the waste industry and recycling services to operate safely and efficiently.

Tim Wanda of 239 Millwood Avenue spoke in support of naming the alleyway between Kent Street and Millwood Avenue. He thanked Mr. Major for bringing it to Councils attention and Mr. O'Connor for his input. He stated the reason they wanted it named is the attitudes of people have deteriorated a lot in the last year to year and a half and there have been more police calls to the alley and the neighborhood lately. There have been some rather notorious people coming into the alleyway during the daytime doing things that are not within the law. The neighborhood is becoming unsafe because of the alleyway and we have requested the Police Department step up their patrol which they have made an effort to do so on occasion. He would like them to continue to increase their patrols particularly on Friday, Saturday, and Sunday nights after 9:30 p.m. and before 1:30 a.m. One of the reasons they wanted it named is a lot of the newer officers did not know the alley was back there. With continued turn-over in the years ahead, he thinks it will be helpful to name the alley to reduce possible crime occurring back there. He expressed his appreciation for the naming of the alleyway and to the Police Department for the increase in patrols to make the alleyway safer.

With no further citizens to address Council, the President declared the public hearing closed at 7:27 p.m.

CONSENT AGENDA

R-2011-10: Resolution – Approval for the naming of an alley extending from South Kent Street to East Southwerk Street

R-2011-11: Resolution – Authorize the Winchester Police Department to accept DMV Grant in the amount of \$32,800 for traffic safety patrols

R-2011-14: Resolution – Northwestern Regional Jail Detention Center Energy Performance Contract

Motion to nominate Donald K. Price and Maria Diaz to the Virginia Emergency Response Council to serve on the Local Emergency Planning Committee

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

AGENDA

O-2011-09: First Reading - AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 26-33 OF THE WINCHESTER CITY CODE PERTAINING TO USE OF VEHICLES, BICYCLES, AND SKATEBOARDS ON THE DOWNTOWN MALL

O-2011-08: First Reading - AN ORDINANCE TO AMEND SECTION 6, ARTICLE 1 OF CHAPTER 17 OF THE WINCHESTER CITY CODE PERTAINING TO THE OPERATION OF TRASH TRUCKS BETWEEN THE HOURS OF 11:00 PM AND 6:00 AM

O-2011-10: First Reading - AN ORDINANCE TO AMEND SECTION 13-1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO COMMERCIAL USES AND DENSITY PROVISIONS FOR PLANNED UNIT DEVELOPMENTS TA-11-66

O-2011-11: First Reading – AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE PROPOSED AGREEMENT WITH THE WINCHESTER EDA FOR THE REDEVELOPMENT OF THE TAYLOR HOTEL PROPERTY AND TO TAKE NECESSARY ACTION TO SECURE THE SECTION 108 LOAN IN THE FURTHERANCE THEREOF, AND ALLOCATE ADDITIONAL FUNDING IN THE AMOUNT OF \$650,000.00 AS A GRANT TO THE EDA TO BE USED FOR THE REDEVELOPMENT OF THE PROPERTY

City Attorney Anthony Williams stated minor adjustments were made to this ordinance at the request of the Finance Director as to when the payments would be made.

R-2011-12: Resolution – Amend CEMS Section 1.1 and Accept Ratified Agreements from Constitutional Officers

Vice-President Major moved to approve R-2011-12. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

R-2011-13: Resolution – Approve the rate of Personal Property Tax Relief for the calendar tax year 2011

Councilor Clark moved to approve R-2011-13. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

Motion to reappoint _____ as a member of the Economic Development Authority for a four year term expiring August 31, 2014

Councilor Willingham moved to reappoint Joseph Kalbach as a member of the Economic Development Authority. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

Motion to reappoint _____ and appoint _____, _____ and _____ as members of the Social Services Advisory Board for a four year term expiring March 31, 2015

Mayor Minor move to reappoint Betty Curtis and appoint Nate Prezzy, Thomas Throckmorton and Kathryn Tagnesi as members of the Social Services Advisory Board. *The motion was seconded by Vice-President Major then approved 6/0. Councilor Tagnesi recused himself from the vote.*

Announcement: The term expiration of Larry Omps as a member of the Winchester Regional Airport Authority effective June 30, 2011 and direct the Clerk of Council to advertise the vacancy.

Announcement: The term expirations of John Marker, Dan Martin, and Sue Robinson as a members of the Winchester-Frederick County Tourism Board effective June 30, 2011 and direct the Clerk of Council to advertise the vacancy.

ADJOURNMENT

Councilor Tagnesi moved to adjourn the meeting at 7:31 p.m. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

Kari J. Van Diest
Deputy Clerk of the Common Council