

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
February 14, 2012**

A regular session of the Winchester Common Council was held on Tuesday, February 14, 2012 in the Council Chambers, Rouss City Hall. President Jeffrey Buettner called the meeting to order at 7:01 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 – President Buettner led the citizens and members of Council in a Moment of Silence.

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

APPROVAL OF MINUTES – January 10, 2012 Regular Meeting, January 17, 2012 Work Session, January 24, 2012 Work Session, and January 24, 2012 Special Meeting

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

REPORT OF THE MAYOR

Mayor Minor stated although she did not have a report to present, she did attend a luncheon and a little musical performance at NW Works today that was absolutely wonderful. The community is so blessed to have the facility in our community and asked that everyone support it whenever possible.

REPORT OF THE CITY MANAGER

Interim City Manager Craig Gerhart stated he had one item relating to O-2011-55 which is the first one that appears on the agenda. You will see the agenda marks the item as postponed. The applicant had written to us asking the item be deferred until March to give them the opportunity to resolve some things with adjacent property owners and we committed to placing it on the agenda in March not February. Unfortunately, the timing of that did not allow us to get the ad pulled from the newspaper. Since we had committed to the applicant that we would defer, they did not notify adjacent property owners so we cannot have the public hearing on this tonight. He thought it would be helpful to those in attendance to hear the reason why.

REPORT OF THE CITY ATTORNEY

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

PUBLIC HEARINGS

O-2011-55: Second Reading – AN ORDINANCE TO REZONE AN APPROXIMATELY 1.0 ACRE PORTION OF LAND AT 110-140 KEATING DRIVE (*Map Number 149-01-6*) FROM LOW DENSITY RESIDENTIAL (LR) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO RESIDENTIAL OFFICE (RO-1) DISTRICT WITH CE DISTRICT OVERLAY. The Comprehensive Plan calls for medical and general office uses on the periphery of the Medical Center District. RZ-11-669 – **POSTPONED**

O-2012-02: Second Reading – AN ORDINANCE TO CONVEY 317 S. CAMERON STREET TO THE ECONOMIC DEVELOPMENT AUTHORITY FOR DISPOSITION

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:04 p.m.

Vice-President Major moved to adopt O-2012-02. *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
Councilor Tagnesi	Aye
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Aye

CU-11-678: Conditional Use Permit – Request of Charles Zarou dba IJ Canns American Grille for a conditional use permit for nightclub use at 3111 Valley Ave (*Map Number 329-01-12*) zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) District overlay.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:05 p.m.

Councilor Tagnesi moved to approve CU-11-678. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

CU-11-702: Conditional Use Permit – Request of Emad Khezam and Ali Tajalli dba Alibaba Hookah Bar for a conditional use permit for nightclub use and to modify conditions of an

existing conditional use permit for hookah establishment use at 932 Berryville Avenue (*Map Number 176-07-3*) zoned Highway Commercial (B-2) District.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:06 p.m.

Vice-President Major moved to approve CU-11-702. The motion was seconded by Councilor Willingham then defeated 4/5 with President Jeff Buettner; Councilor John Hill and Les Veach; Vice-Mayor Milt McInturff; Mayor Elizabeth Minor voting in the negative.

Public Hearing: Proposed Construction and Operations of a Professional Minor League Baseball Stadium at Jim Barnett Park

Economic Development Director Jim Deskins and Parks & Recreation Director Brad Veach presented a brief update in response to the concerns from citizen and Council on the proposed Minor League Baseball Stadium.

Carter Foulds of 410 Courtfield Avenue stated he is one of the most baseball kind of people you could imagine who lives in this city. He takes his boys down very frequently to see the Nationals play ball. He umpires youth and high school baseball. He goes to Royals' games and Shenandoah University games. However, he is opposed to the city doing this because almost everything you have been told today about the business, the traffic, and the parking about this deal is demonstratively wrong by anybody with the time to actually read the documents, a four function calculator, and a little bit of common sense. If this was a good investment, Hagerstown would be making it. The team and the EDA are suing and hoping that this council is more gullible and more jingoistic than the leadership of Hagerstown and is more willing to invest large amounts of tax dollars to do something that we don't need, don't want, and can't afford. If you look at the numbers, unless we get the State's share of the sales tax, every single one of the EDA's scenarios is going to require a city tax payer subsidy. While he can understand Senator Vogel's willingness to introduce this, he can't imagine her voting for it and he can't imagine the rest of the State being willing to subsidize a municipal boondoggle of this characteristic to the tune of \$200,000 a year or so for 30 years. That strikes him as foolish. The last thing with the money is, they have given us conservative, moderate, and aggressive projections but they have not given us a realistic one. When you look at the numbers, the conservative estimate is 2800 in attendance per game. In reality, the Suns average paid attendance historically has been 2200 per game, almost 30% lower than what the EDA is counting on for a scenario that even they admit will lose money to the tune of several hundred thousand dollars even with the State subsidy. If we don't get the State subsidy, using their numbers on all of the other revenue projections, we will be \$500,000 a year in the hole. He said he is a baseball person. If you run a bond to improve Bridgeforth Field, he will campaign for it, vote for it and pay the taxes for it but he cannot be for what is being talked about here. It is a bad idea. If there is any way to kill it tonight, it should be killed tonight before another nickel is spent on this boondoggle.

Bruce Santilli of 1937 Sully Court stated we have a beautiful park. He enjoys the park almost on a daily basis as he walks in the park. He thinks it is wrong for Council to consider giving a portion of this park away. He thinks we need to conserve the park. He thinks we do a good job

with the park. It is wrong to give this piece of park away. He asked Council to consider not going through with giving this acreage away in the park.

Ginger Boling of 1628 Valley Avenue stated she is a lifelong member and resident of Winchester, Virginia. She was a resident in 1957 when Jim Barnett came as the recreation director. Jim Barnett gave her her first job in that park. She had a nice conversation with Mr. Deskins and he noted that she has an emotional attachment to that park. He was right. She does have an emotional attachment to that park. She thinks it is a valuable asset to the city. She went out to look at the area today. It is a tremendous amount of area to take away from public land. We don't have the drawing of what this stadium is going to look like. It is so close to the pool, to other parking areas, and to local traffic. She is concerned about not having enough time to peruse all of the information. Council has had 6 months but the citizens have had less than a month. She also has concerns about traffic and safety. She is hoping Council will consider what this park means to the community. She is not opposed to a ball stadium but not in Jim Barnett Park.

Bob Pinner of 124 East Clifford stated he is not against the ball park, just not in this location. There are other locations that can be used. There is a huge lot behind the Home Depot that has been empty for years. It has facilities and roads going to it that will bear the traffic. It has lights, restaurants, and hotels that are convenient. If you want to run a bus service to downtown, you can definitely do it there. It is within easy access of Shenandoah University if they want to use it. There are many things to be said for not putting the ball stadium in Jim Barnett Park. If we give away that land, it does not come back. It doesn't matter what comes down the road, that land will not come back. If that ball club fails, we are sitting with a stadium that we are trying to invite somebody to. The EDA said they do not need the 12 acres they just need 7.9. Winchester does not need 5 acres of paved parking lot to maintain. That will be our maintenance, not the tenants. We will have to supply somebody to supervise the parking lot. Let the tenants supply that. The simple fact that the team owner must have the answer by April 17th really sounds like we are being bulldozed. It is only 8 months for everybody on this board and the EDA to consider and get all of the studies back. That is not enough time. He knows they have done a fantastic job in compiling what they have done. He finds it hard to get excited about building this ball park in Winchester, a sole Winchester event that the County has no business in. We are going to build a \$15 million ball park but we won't give our teachers a 2% raise. We need sidewalks in many of the neighborhoods. They want to close the library for a week in 2013 because there is not enough funds but we can spend this money on a ball park in Jim Barnett Park where it doesn't belong.

Sue Pinner of 124 East Clifford stated she does not think we should give this land away. Surely, there must be someplace else. She wonders if Hagerstown is waiting to see what Winchester does. She asked what would happen if they decide to pony up and give the team what it wants to refurbish. It might be a mute point. This might be a tool for them to get Hagerstown to do what they wanted them to do in the first place. She is not against the ball club. She thinks it would be an asset to Winchester. However, she does not want to give that land away.

Hector Robertson of 923 Kinzel Drive stated he was a member of the Park Board when the City paid a large sum of money to buy the land on Pleasant Valley Road to keep it from becoming

commercial. He cannot see giving away park land to build a baseball stadium. Please save our park land.

George Schember of 226 Amherst Street stated a new ball park would look great but the numbers simply are not there. Predicting anything is difficult. If you are good at it, you should be down at the track betting on the horses. It is a very difficult thing to do particularly when you are talking about predicting attendance. The professional teams do studies that include all kinds of sampling and exhibition games in the targeted area to see how it works. That has not done but there is something else. There are the Royals. The Royals and the Valley League is about the same level as the Lower Class A ball. It used to be Class D but they wanted to upgrade the image. At best, the Royals only attract about 500 people per game. The ticket prices are \$5. The Suns charge \$10. The Suns are going to have 70 games. The Royals have 35 games. Any economist will tell you that when you double the price and double the availability, you are going to lower the attendance. You will probably lower it to about 300. He personally does not believe that 300 number either but he can see a number between 1000 and 1500. If there is only that number of folks, the city will lose their shirt. He wonders why the Suns are considering Winchester. Most simply, the lease is unbelievable. Although some changes have been made, it is so one sided. The Suns will get 85% of gross revenues. Those gross revenues are determined by their own accountants. They also get the naming right percentages and those numbers are determined at the end of the year. All of the lease payments and city taxes have to pay off the bonds so the city will not get a dime until the bonds are paid off. He would suggest that if the city does go through with this, the city ask for a 300,000 payment up front each year to go towards the mortgage and then after that, still retain maybe half of what they would get now through the lease payments.

Charles Greeb of 612 Dulles Circle stated at one time, he was the chair of the Economic Development Commission in another community for several years. It would be nice to have a Minor League Baseball Franchisee in Winchester but there is only marginal support shown for our Valley League which showcases top collegiate players preparing for the majors. The great majority of us do not show interest in baseball. We hardly ever acknowledge the existence of a nationally renowned collegiate team at Shenandoah University. A Minor League team here would have little impact on industrial prospects who are much more interested on matters that impact the economic wellbeing of the project. From the other testimonies he has heard, that location is not an appropriate location for the ballpark. A more appropriate location would require land acquisition costs which would make the project unfeasible. The proponents are trying to squeeze it into the city park at the cost of long standing uses which are elevated to less desirable locations. Contrary to our long standing traditions of keeping the park for community recreation, the park property saves the project \$2-3 million. It is a cost to the tax payers right from the start. If the project had any merit, it would be able to carry, as part of the project costs, the land acquisition which would provide an appropriate location beneficial to everyone that matters. As a practical matter, neither the park proposal nor the expanded proposal makes much sense to him. The consultants' estimates seem inflated. He questions their wisdom and expectations. In his judgment, this is a futile exercise and he doubts a ballpark could be completed in time for opening day.

Jim Shipp of 740 Sheldon Drive stated he has spent a considerable amount of time studying the draft lease, attended two user group meetings and the public presentation last Tuesday. He has been involved for many years with the Winchester Royals which plays their home games at Bridgeforth Field. The Royals are top college players who play all over the nation at a level that is probably comparable with Low A Minor League Baseball. He is presently a stock holder in the Royals although they are completing the process of becoming a non-profit organization. He is the past president, member of the board of directors, and the current operations manager. He is not representing the views of the Winchester Royals. He believes there is not a sufficient fan base and advertising base in the area to support both the Royals and a minor league team. However, putting aside his concern for the Royals, as a citizen, having a Winchester minor league team is an exciting prospect but the deal on the table is seriously flawed. First and foremost, he does not believe a project of this nature belongs in Jim Barnett Park. He has spent 20 some nights at Bridgeforth Field over the summer for the past 25 years and has seen the current parking filled to capacity many times by folks attending the various activities that exist now. He has also seen crowds of 2000 or so take 40-45 minutes to clear the park after fireworks. If the proposed stadium attracts the projected average attendance of 3000 needed to make it successful, he believes traffic congestion will be bad enough to prevent fans from returning to future games, not to mention the impacts to the people who live on Cork Street and Senseny Road. He has not seen any public information on the parking lots mentioned in the lease and questions whether this includes the Bridgeforth lot. The lease also requires the EDA to secure 300 spaces in the City parking decks. He asked if those spaces are available. Also, there does not seem to be any provisions in the proforma to pay the Parking Authority for these spaces or to pay the City Transit system or any other provider for the shuttles. The draft raises many more issues of concern than he has time to mention tonight. However, he believes the proposed stadium at the proposed location is not a good idea.

Scott Dyke of 429 North Braddock Street stated there are two issues here – the park and the baseball team. He was here before and has done a lot of work on these discussions. He has looked at communities with populations of 12,000 up to 40,000. In the state of Virginia, we have the smallest park per capita and in that respect services of any town in Virginia. Those are facts. Winchester has one park of 170 acres. He thought part of the responsibilities of the elected officials is to protect, enhance and preserve tax payer land and parks for future generations. He did not think it was their job to sell out to a for-profit business from someone who lives in Florida and an industry that has a history of when they don't get their way or what they want, they pick up their toys and go play somewhere else. As a business, he does not know if a minor league team is good for the city. He personally senses a lot of smoke screens here and it is being shoved down our throats with a deadline. If this is so good and this park can be built for \$12 million, kick in another million dollars and buy 9 acres where ever they want it. If it is going to be as profitable as you say, that will save you \$2 million with a budget of only \$13 million. Go put it where it is appropriate for traffic and a lot of other things. Leave the park and preserve the space for the citizens. Those are two distinct things that don't belong together.

Joe Boyd of 10 Parkview Avenue stated he had two points to make. The first is that Jim Barnett Park is a crown jewel of this city. A lot of people love this park and we need to keep this park the way it is. We need to protect it and embrace it. We need to keep all outside, private interests out of it. This park should stay the way it is. For this ballpark to become economically viable,

we are going to have to have alcohol sales in our park which will be close to our children's activities. That was voted down once in this chamber for a building that holds 10 times less the amount of people. You are talking about 3,000 people in that stadium on average. Save our park. Save our kids. Keep alcohol out of our park. Keep Winchester the way it is.

Shelly Lee of 432 Marion Street expressed her appreciation to the Park staff and the EDA for allowing all of this dialogue and information to be given out publicly so we can try to understand what you were trying to do but we have to think about what is good for the park. When she first heard about this, she thought this was exciting and would be bringing big time things into the park. However, the more she has heard; she feels the Winchester citizens would be hurt financially because there are too many risks and not enough guarantees for this to be a viable thing in our park. She asked Council to have a heart for our park.

David Kersey of 823 Leeds Manor Lane in Bluemont, Virginia, stated his parents grew up in Winchester and went to Handley High School so he has a lot of family and friends in Winchester. He was also very excited to hear about Minor League Baseball coming to Winchester. His background is 30 years in development and construction in the Washington D.C. and Mid-Atlantic area. He has worked on 6 major sports facilities including PNC Park in Pittsburgh, the MCI Center in downtown D.C., and currently the Loudoun Hounds ballpark in Loudoun County which is a \$30 million ballpark for an independent league baseball team in Loudoun County near Dulles Airport. With all of that, he agrees 100% with the sentiments being expressed. It seems like a simple question here of is this a great thing for Winchester. He thinks Major League Baseball could be a wonderful thing for Winchester but the synergies that come from Minor League Baseball really comes from other retail establishments being able to be in and around mixed use developments. If something like this were to be approved in this location, he does not think it would be financially feasible at all. He thinks the numbers are over inflated. If City Council does wish to attract a Minor League Team for entertainment with this investment, there are much better ways to go about it that will make more long term economic sense for the City and the citizens of Winchester.

Brian Hester of 1001 Armistead Street stated he is in favor of the proposed baseball field in Jim Barnett Park. Baseball is meant to be played in the park and he has played there for 15 years. During his 30 years of living in Winchester, he has never been more excited about a prospect than this. Being born and raised in Winchester, he realizes there are two main types of people. Those who absolutely love Winchester like him and those who hate it. This stadium could help bridge that gap. He looks forward to the day when he can take his children to this stadium and watch a Minor League Baseball game right in our backyard. He keeps hearing about all of the concerns about the proposal but in his opinion it all comes down to one thing - change. Winchester is changing and we must accept it. He has certainly seen a transformation over the last 30 years. If you had asked him 10 years ago that he would image we would have so many Super Walmarts, a Best Buy, or an Olive Garden, he would have called you crazy. The time has come for Winchester to bring Minor League Baseball to town. If we don't do it now, we might never have another chance. The only question he has is who does he write his check to for season tickets. Let's play ball.

Bill Rinker of 211 Sheridan Avenue stated he is hearing a lot of numbers, a lot of contention, and a lot of different viewpoints mostly against this ballpark. He is neither for or against it but right now it seems there are too many unanswered questions. He is here to suggest an idea he had involving a referendum vote. It seems like we have the ballpark issue, the Discovery Museum issue, and Shenandoah's ongoing issue. The problem he is finding is that he does not think the citizenry as a whole is represented. You have the people who are passionate and are going to show up here. He asked if it would be possible to have a special referendum that could be mailed out to everyone that pays taxes. It might be a bit costly but it seems like we are giving people an opportunity to have a wonderful financial gain locating in the park. If Council could open it specifically to the park issue for a referendum vote and the cost be incurred by the entity, it would give us a better idea of how everyone feels about this. If he has a business and he wants to bring it town like this ballpark issue and he is counting on the people of the town to show up, would it be nice to know that everyone in Winchester is for it or not. The message we could be sending out to other communities is that Winchester is kind of different. They have a park and they want everybody to make a decision on that community facet. That would be different.

Jack Phillips of 138 Hawthorne Drive stated he has never seen so many people at City Council since we opposed a developer back in 1957. He asked if this is a done deal with City Council, then why are we even here. If it isn't, he asked how in the world did it get this far.

Glenn Moore of 605 Old Fort Road stated he has been a lifelong resident of the city and has participated in the park for over 50 years. He has been a volunteer coach for youth baseball and youth football programs that use the facilities and he still continues to coach in the park. He is opposed to the stadium coming in. He is basically saying don't wedge it into the facilities we already have. The park just doesn't flow. You can't move around in the park as it is now with the activities. You have many activities with youth sports, after school activities, activities at the pool, high school baseball, and college baseball. He asked why would we think that we can have an athletic team such as the Royals who currently draw 400-600 people at a lower ticket price that we could have a Low A Minor League Team come in and charge more with a projection of 3000 fans. His job dictates that he visits retail businesses and clubs in the area. Many have opened their doors over past several years in this trying economy. They all came in with anticipated sales or projections. Their crystal ball was broken. It just doesn't work with anticipated projections. Yes, that is what you use but you have to deal with what is out there. What is actually going through that door and you really can't project that especially in this day and times. The citizens of Winchester are going to have to incur other expenses. We are looking at remodeling or rebuilding John Kerr Elementary. The only time we hear about how certain programs will be funded is through a tax increase, either meals tax or changing the real estate tax. He is fearful that if we build it, they won't come and the citizens will be stuck with the aftermath and what will come in the future.

Mark Stickley of 324 West Whitlock Avenue stated like with the Discovery Museum, he is opposed to the ball field in Jim Barnett Park. He definitely does not think that is a good place for it to be. From looking at the presentation, he did not realize the BMX track and the trees are blight but an asphalt parking lot is not. The park should be filled with grass and trees. There are definitely better places to put the park than this. Tevis Street would be the best location. However, he is very worried about the economics. As a property owner and a business owner in

town, he feels this is going to be mostly incurred by the citizens. We have already been faced with a 15% increase in water and sewer to help pay for the downtown mall renovations. That is a necessary project. The underground amenities need to be done. He questions some of the above ground amenities but that is another day and another story. We saw a cigarette tax passed that was supposed to make up a \$400,000 shortfall that came up \$68,000 short. We don't know where that money is being made up at. There is talk of a meals tax up to 2% for education. Education does need the money but he fears a meals tax increase will hurt revenue from the city as a whole. The Comprehensive Plan passed recently did not mention a ballpark but it does mention that over the next 10 years the plan will cost millions and millions of dollars if implemented. He is not sure where the money is going to come from to include a ballpark which was never projected in the Comprehensive Plan. He really worries the citizens of Winchester will take the biggest hit on this. Looking at the people that have spoken tonight, with all due respect to Brian, for the most part the proposal is a shut-out.

Kimberly Drunagel of 11 Riflemen Lane stated the entrance to Rifleman Lane is almost directly in front of the BMX track. She can't tell you how often they have people parking on the street. She did not know a lot of facts about this and assumed there would be adequate parking to accommodate it. She did not realize people would be bused downtown. She guesses she can assume for however many games there are, she will not be able to park in front of her house. The street is a one lane road into a cul-de-sac and she has 4-5 cars. It is going to be a huge hassle. It does take a lot of time to clear out after the 4th of July or a Royals game, easily close to an hour. There are police officers, the roads are blocked and you can only go specific ways. She asked if that will be done after each and every game and who will pay for that. She is not a big sports fan but she does like the Winchester Royals. She likes being able to walk from her house to the games. It is a nice family event. For \$5 to get in, she can eat her peanuts and throw the shells on the ground while she roots for the home team. It is a home team. It is owned and operated locally. She doesn't think the numbers are going to be there for an out of town entity coming in. She stated there is a lot of space in Frederick County and suggested the Russell property on 522. There are a lot of other options out there. It is our park. She asked why the rush in these hard economic times. She suggested giving it some more time to do more feasibility studies. She has noticed a decrease of events in the park over the years from the fewer number of people parking on their street. It is hard to pay to go to these events especially over the last couple of years so she does not see the numbers there coming out to this event. If and when they do, it is going to be huge hassle in traffic. She does not think we should let an outside entity dictate what we do with our money. More time should be given to this and everyone should support the Royals more.

Todd Thompson stated it almost seems like we are in the home half of the first inning, somebody has two others on base, and the umpire is saying play ball. The community leaders are digesting a lot of information in a short time. One of the things he looked at closely when given the list of six communities is it really isn't an apples to apples situation. One of those communities has 3,000 acres of park. Of the six communities, we have the smallest park. Four of the six communities had teams previously and those teams were moved into new facilities. In some cases the old facilities were sold. In other cases, things were developed for economic reasons. Bowling Green, Kentucky was actually an auto park that was part of a \$200 million development. They did bring in a new team but it was part of a larger development. He has

been involved with the Royals for two years and has kind of been in the business of baseball lately. He has looked at the numbers closely from the report. Within the Valley League, the city with the highest concentration and highest per capita income is Hay Market. Hay Market has the smallest attendance of any team in the league. If you are going to have a home team, you are going to have to have media. For something the size of the Royals, our local television has worked out well. The local newspaper, the Star, has worked out well. He doesn't think in order to generate 3,100 fans for home games; there is a big enough media footprint for people to look at the sports page and say this is my team. He doesn't think there is much coverage east of the Blue Ridge. People east of the Blue Ridge would be surprised to come here and found a rural building three stories tall. They are probably not going to come here. They will go to Frederick which has a Class AA team or they will be heading to the new Loudoun stadium. He asked Council to really look at the numbers and look at the communities. Although he is not sure where he stands on the ballpark, he would love to sit down for a game and a beer and not have to drive 40-60 miles to do that. The tax payer part of him says to look at the numbers first and he doesn't know how those numbers work.

Todd Golding of 1027 Kinzel Drive stated where he lives he sees the 4th of July and Apple Blossom traffic that drives through his neighborhood right behind Daniel Morgan Middle School. He sees the intersection of Elm Drive and Woodstock crowded with cars for 45 minutes to an hour after those events. Because he lives on the bow of Kinzel Drive, he has had people literally turn around in his yard. He has had people park in his driveway. He has had people from these events through their trash in his yard so he spends the next day picking it up. His biggest concern on the traffic is where it is going to go. To think that it will go down Cork Street and go out Pleasant Valley is a pipe dream. People have GPS and will find their way however to get back to where they are going and it will be through his neighborhood. He asked if this meant 70 times out of a year, he will have to pick up trash out of his yard because when people stop at the light, they throw their trash out. The second concern of his is redevelopment. Although his family has lived in Winchester for 30 years, they moved here from Altoona, Pennsylvania. In 1998-99, Altoona built a Minor League ballpark. Since that ballpark was built, that entire neighborhood has been redeveloped with private equity and private money. He asked where is that going to happen in Winchester in that location or if we are going to continue to redevelop the park. He asked if Daniel Morgan Middle School or the Country Club is going to be redeveloped. He stated chances are the Country Club will most likely be sold to Shenandoah University since it backs up to its campus. He thinks a better location could be found in the city that we can put this money into that could be a complete redevelopment for that section of the city. This type of money, for this purpose, would be hitting single when we could be hitting a double for redevelopment.

Amber Frye of Boscawen Street stated Winchester is changing and needs a bigger venue. It would be better if it was enclosed to have high school graduations or concerts or anything to bring in tax money. Many of the teachers, including her, would prefer not to raise the meals tax. She asked if a compromise could be reached with Frederick County to go into this together and split the revenues. That would give a venue to accommodate large crowds and the baseball team with lots of parking and easy access that people are concerned about. She graduated from Shepherd University and knows a lot of the high schools have their graduations there. She thinks a venue would be a good idea but does not know if it should be in the park. The park is one of

the few places that people with small children who do not have a nice yard can go and enjoy. She agrees that we need to save the park but also thinks Council has the right idea to bring things into Winchester that will bring in the revenue without taxing the citizens who already can't go out and enjoy things because they are heavily taxed enough.

Erich Bruhn of 211 South Washington Street stated the stadium is not going to cost \$15 million. If you read the proposal, that cost estimate specially excludes improvements to the site. When you look at some of the examples, some of the cities spent \$8-10 million on site improvements. He stated the traffic survey will show the roads will need to be widened. It will probably recommend another off ramp be put on I-81 too that will cost \$8-9 million. There are a couple of other things that people need to think about. A simple back of an envelope calculation shows that if you go from an attendance of 500 to 3200 and double the number of games and ticket price, you are assuming the spending on baseball in Winchester is going to go up 25 times from about \$90,000 to \$2.25 million a year. He does not think that is a reasonable assumption. He lived in the Seattle area when Seattle went through a similar but much larger discussion on building a stadium for the Seahawks. Many of the same topics came up on a larger forum. They ultimately got taken to the cleaners. When you look at the analysis, the truth is people do not spend money on baseball rather than stay home. They spend money on baseball rather than going to the Alamo Drafthouse or to a Royals game. It is money that is already being spent. The tax revenues tend not to go up. It is just diverted from other entertainment revenues. When he hears the road survey has not been done or we haven't heard back from the State on whether we can recapture that tax revenue, he hears we don't have the answers to be able to make a decision on April 17th. If that is a drop dead deadline, we have to pass because we don't have the essential information. We need to absolutely know what it is going to cost us in terms of traffic and road improvements before we start using a number. \$15 million is not the answer because it will be more. We need to use that number when we have this conversation.

Mary Beth Estes of 334 Elaine Drive stated she is concerned economically. Rentership is up and ownership is down. Ward Plaza is sitting empty. Valley Avenue is sitting empty. Schools are falling apart. Volunteer Fire Companies are coming to the city asking for loans because they can't make it anymore. The Police Department has done without. She is worried about the impact a baseball team coming to the city would have on those services. The idea of Winchester having an average household income of over \$50,000 is mind blowing to her. She is with the children every day as a teacher and in the community as a volunteer and does not know if that figure is accurate or not.

No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 8:44 p.m.

Vice-President Major tasked city staff to have an amendment to current the current proposal or a separate ordinance that says as part of the decision to proceed with the transfer of approximately 7 +/- acres within Jim Barnett Park to the EDA for purposes of construction a minor league baseball stadium:

- The Council commits to replacing the approximately 10 acres being transferred to the EDA with suitable land elsewhere in the City suitable for development as a park. The Council will honor this commitment by July, 2022.

- The sites identified for acquisition should be consistent with the Council approved Park's Master Plan and CIP.
- The Council agrees that the replacement acreage will consist of developable land with suitable terrain and not be overly encumbered by the presence of or requirement for extensive storm water facilities.
- The City Council will work with the Park Board and the EDA to identify land acquisition opportunities in the northern end of the City where there is currently no designated park land. This need is clearly identified in the Parks' 2009 edition of the Park Master Plan.
- To generate financial support for this commitment, the Council will reserve 50% of the net proceeds from the lease for use of the minor league baseball stadium annually for the acquisition of "replacement" park property. The Council and EDA may also use acreage acquired through subsequent development partnerships to meet its commitment. Should these mechanisms be insufficient to acquire the needed acreage by July, 2022, the Council commits to allocating an amount up to \$1,000,000 or the amount needed to complete the acquisition of approximately 10 acres, whichever is less. Should the proceeds from 50% of the City's revenues from the stadium exceed what is needed for land acquisition over the 10 years of this agreement, the excess may be used to advance park facilities on land owned or acquired for park purposes.

President Buettner asked Mr. Gerhart and Mr. Williams to form Vice-President Major's proposal into the proper legalese.

Councilor Willingham stated to clarify, there are 14 other municipalities in the Commonwealth of Virginia who are applying for Minor League stadiums or who would like to get them to have the opportunity to keep or retain the sales tax revenue. Senator Vogel is not doing anything outside or above and beyond what the other cities are doing. What she did was include Winchester on a list of cities that are part of this.

Councilor Clark stated the major objection is the citizens don't want to use park land. He asked if it was possible to reach out to Frederick County to see if they are interested in sharing ownership of the stadium and possible land in the county.

PUBLIC COMMENTS

A citizen spoke up asking Council to do what is best for the city. He thought the baseball stadium would be good for the economy and for employment.

No further citizens came forward to address Council and the President declared the public comment section closed at 9:02 p.m.

CONSENT AGENDA

AGENDA

O-2012-01: First Reading – AN ORDINANCE TO COMPREHENSIVELY AMEND THE WINCHESTER ZONING ORDINANCE TO CORRECT SCRIVENER ERRORS IN SECTION NUMBERING TA-11-692

O-2012-03: First Reading – AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY OWNED BY THE CITY OF WINCHESTER LOCATED IN THE NORTH EAST CORNER OF JIM BARNETT PARK TO THE WINCHESTER ECONOMIC DEVELOPMENT AUTHORITY FOR THE PURPOSES OF CONSTRUCTING A MINOR LEAGUE BASEBALL STADIUM AND SUPPORTING FACILITIES AND APPROVAL OF LEASE.

R-2012-04: Resolution – Authorization of the application for operating assistance in the amount of \$400,080 and capital expenditure assistance in the amount of \$396,000 with the Federal Transit Administration

Councilor Willingham moved to approve R-2012-04. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

R-2012-05: Resolution – Authorization for the application for operating assistance in the amount of \$129,379 and capital assistances in the amount of \$79,200 with the Virginia Department of Rail and Public Transportation

Vice-President Major moved to approve R-2012-05. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

R-2012-02: Resolution – Approval of a refund in the amount of \$34,640.13 to Comcast of CA/MD/PA/ VA/WV LLC for overpayment of Business Personal Property Taxes

Councilor Veach moved to approve R-2012-02. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

R-2012-03: Resolution – Authorize the acceptance of up to \$15,000.00 in reimbursement from the US Secret Service associated with the investigation of financial crimes

Vice-Mayor McInturff moved to approve R-2012-03. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

R-2012-01: Resolution – Authorization to enter into a Memorandum of Understanding with the Virginia State Police relating to regional interoperability

Vice-Mayor McInturff moved to approve R-2012-01. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

R-2012-06: Resolution – Approval of the conveyance of 317 S. Cameron Street by the Economic Development Authority to Anne Palmer

Vice-President Major moved to approve R-2012-06. *The motion was seconded by Vice-Mayor McInturff then unanimously approved by voice-vote.*

Motion to provide preliminary approval of the proposed FY13 Operating Budget for the OWRF subject to the adoption of the FY13 Appropriations Ordinance

Councilor Willingham moved to approval the preliminary approval of the proposed FY13 Operating Budget for the OWRF. *The motion was seconded by Vice-President Major then unanimously approved by voice-vote.*

Motion to nominate Chief Scott Cullers to the Virginia Emergency Response Council to serve as a member of the Local Emergency Planning Committee

Councilor Veach moved to approve the nomination of Chief Cullers to the VERC. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Larry T. Omps for his service as a member of the Winchester Regional Airport Authority

Councilor Willingham moved to approve the Certificate of Appreciation for Mr. Omps. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Perry McAlister for her service as a member of the Lord Fairfax Emergency Medical Services Council

Councilor Willingham moved to approve the Certificate of Appreciation for Ms. McAlister. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Ben Weber for his service as a member of the Old Town Development Board

Councilor Willingham moved to approve the Certificate of Appreciation for Mr. Weber. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Susan Roberts for her service on the Parks and Recreation Board

Vice-Mayor McInturff moved to approve the Certificate of Appreciation for Susan Roberts. The motion was seconded by Councilor Hill then unanimously approved by voice-vote.

Announce the term expirations of Patrick Farris and Catherine Shore as members of the Board of Architectural Review effective April 30, 2012, and direct the Clerk of Council to advertise the vacancies. Mr. Farris and Ms. Shore are not eligible for re-appointment.

Announce the term expiration of Wilborn Roberson as a member of the Board of Zoning Appeals effective April 30, 2012, and direct the Clerk of Council to advertise the vacancy. Mr. Roberson is eligible for re-appointment.

Announce the term expirations of Kyle Homan, Matt Mintschenko, and Brian Wigley as members of the Parks and Recreation Board effective April 30, 2012, and direct the Clerk of Council to advertise the vacancies. Mr. Homan, Mr. Mintschenko, and Mr. Wigley are eligible for re-appointment.

Announce the term expirations of Angela Cain and Nancy Gordon Campbell as members of the Social Services Advisory Board effective March 31, 2012 and direct the Clerk of Council to advertise the vacancies. Ms. Cain and Ms. Campbell are eligible for re-appointment.

President Buettner announced the resignation of Vice-President Major as a member of the Common Council effective March 12, 2012. Vice-President Major has moved out of Ward 3 and can no longer represent the citizens of Ward 3. President Buettner stated Council will work to make an appointment to that ward and asked if anyone would be interested

City Attorney Anthony Williams stated that as of the effective date, Council will have the responsibilities to appoint an interim to serve in Vice-President Major's stead and to appoint a new vice-president. Due to the amount of time left in Vice-President Major's term, a petition will need to be filed to request a special election to be held in conjunction with the next general election within 15 days of the effective resignation. At that point, the citizens will be able to elect a replacement to finish the remainder of Vice-President Major's term. That person would take the place of the interim appointed by Council.

Vice-President Major submitted his resignation as vice-president of Council effectively immediately and moved to nominate Councilor John Willingham as vice-president of Council. *The motion was seconded by Vice-Mayor McInturff then unanimously approved by voice-vote.*

President Buettner and the members of Council expressed their gratitude to Councilor Major for his service on City Council.

ADJOURNMENT

Councilor Major moved to adjourn the meeting at 9:08 p.m. *The motion was seconded by Vice-President Willingham then unanimously approved 9/0.*

Kari J. Van Diest
Deputy Clerk of the Common Council