

**MINUTES OF THE COMMON COUNCIL  
IN REGULAR SESSION  
November 13, 2012**

**DRAFT**

A regular session of the Winchester Common Council was held on Tuesday, November 13, 2012 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 Hill, John Tagnesi, Les Veach and Ben Weber; Vice-Mayor Milt McInturff; Mayor Elizabeth Minor; Vice-President John Willingham (9)

**ABSENT:** None (0)

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

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

**APPROVAL OF MINUTES** – October 9, 2012 Regular Meeting, October 16, 2012 Work Session, and October 23, 2012 Work Session

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

**REPORT OF THE MAYOR**

**R-2012-79:** Resolution – Approval of Resolution of Sorrow for Michael M. Foreman

Mayor Minor presented a City Flag that was flown at the Judicial Center in honor of Mr. Foreman and the resolution of sorrow to Mr. Foreman’s “Lunch Bunch” that consisted of Jimmy Shipp, Lenny Millholland, Skeeter Knee, Benji Knee, Jay Givens and Jesse Moffett..

Councilor Veach moved to approved R-2012-79. *The motion was seconded by Vice-Mayor McInturff then unanimously approved by voice-vote.*

**REPORT OF THE CITY MANAGER**

Shenandoah University Summer High School Leadership by Design for Public Service and Citizenship

City Manager Dale Iman introduced Dr. Karen Schultz of Shenandoah University and the members of the university’s Summer High School Leadership by Design Class who presented the results of the survey they completed this past summer.

Mr. Iman stated the Council met in Special Session on October 26<sup>th</sup> and 27<sup>th</sup> and worked for about 14 hours on the Strategic Plan. Council will meet again on December 5<sup>th</sup> at 5:00 p.m. to finalize that plan.

### **REPORT OF THE CITY ATTORNEY**

City Attorney Anthony Williams stated he had nothing to report.

### **PUBLIC HEARINGS**

**O-2012-29:** Second Reading – AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 29-16, 29-19, AND 29-20 OF THE WINCHESTER CITY CODE PERTAINING TO UTILITY BILLING TERMS AND DEPOSITS

*No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:17 p.m.*

Vice-President Willingham moved to adopt O-2012-29. *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-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Councilor Veach	Aye
Councilor Weber	Aye
Vice-President Willingham	Aye
President Buettner	Aye

**O-2012-31:** Second Reading – AN ORDINANCE TO AMEND THE WINCHESTER CITY CODE PERTAINING TO REAL ESTATE EXEMPTION BY CLASSIFICATION AND DESIGNATION

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

Vice-President Willingham moved to adopt O-2012-31. *The motion was seconded by Councilor Weber 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-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Councilor Veach	Aye

Councilor Weber	Aye
Vice-President Willingham	Aye
President Buettner	Aye

**O-2012-30:** Second Reading - AN ORDINANCE TO AMEND AND RE-ADOPT CHAPTER 25, ARTICLE II, DIVISION 2 OF THE WINCHESTER CITY CODE PERTAINING TO THE OLD TOWN DEVELOPMENT BOARD

*No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:19 p.m.*

Councilor Veach moved to adopt O-2012-30. *The motion was seconded by Vice-President 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	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Councilor Veach	Aye
Councilor Weber	Nay
Vice-President Willingham	Aye
President Buettner	Aye

**O-2012-32:** Second Reading - AN ORDINANCE TO VACATE AN APPROXIMATELY 10-FOOT PORTION OF BATTLE DRIVE APPROXIMATELY 678 FEET IN LENGTH ADJACENT TO 391 AND 403 BATTLE DRIVE AND CONVEY IT TO THE OWNER(S) OF THE ADJACENT PROPERTY SV-12-491

*No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:20 p.m.*

Vice-President Willingham moved to adopt O-2012-32. *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	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Councilor Veach	Aye
Councilor Weber	Aye
Vice-President Willingham	Aye
President Buettner	Aye

## **PUBLIC COMMENTS**

*No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:20 p.m.*

## **CONSENT AGENDA**

### **AGENDA**

**O-2012-33:** First Reading – AN ORDINANCE TO REVOKE SECTION 20-31 OF THE WINCHESTER CITY CODE PERTAINING TO ISSUANCE OF CONCEALED CARRY PERMITS

**O-2012-34:** First Reading – AN ORDINANCE TO AUTHORIZE THE ADDITIONAL APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2013

**R-2012-77:** Resolution – Authorization to pursue and execute the Virginia Information Technologies Agency Grant for funding in the amount of \$152,000

Vice-President Willingham moved to approve R-2012-77. *The motion was seconded by Councilor Tagnesi then unanimously approved by voice-vote.*

**R-2012-72:** Resolution – Approval of the Information Technology Strategic Plan

Vice-Mayor McInturff moved to approve R-2012-72. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

**R-2012-78:** Resolution – Support for the designation of the Lord Fairfax EMS Council as a Regional EMS Council within the Commonwealth of Virginia

Councilor Clark moved to approve R-2012-78. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

**R-2012-80:** Resolution – Approval of the Governing Body Resolution and use of the allocated federal grant funds awarded through the 2012 State Homeland Security Hazmat Team Equipment, Exercise and Training Grant

Vice-President Willingham moved to approve R-2012-80. *The motion was seconded by Vice-Mayor McInturff then unanimously approved by voice-vote.*

**R-2012-81:** Resolution – Approval to ratify the Declaration of Emergency that was activated during the approach of Hurricane Sandy

Vice-President Willingham moved to approve R-2012-81. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

**Motion** to appoint \_\_\_\_\_ as an alternate member of the Board of Equalization in accordance with §58.1-3378(B) of the Code of Virginia for a two year term expiring December 31, 2014

Vice-President Willingham moved to appoint Mike Runion as the alternate member of the Board of Equalization. *The motion was seconded by Vice-Mayor McInturff then unanimously approved by voice-vote.*

**Motion** to appoint \_\_\_\_\_ as a member of the Old Town Development Board for a three year term expiring October 31, 2015

Vice-President Willingham moved to appoint Melinda Kramer to the Old Town Development Board. *The motion was seconded by Vice-Mayor McInturff then unanimously approved by voice-vote.*

**Announce** the resignations of Thomas Throckmorton and Ann Wigley as members of the Social Services Advisory Board and direct the Clerk of Council to advertise the vacancies

**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**

Vice-President Willingham moved to convene in executive session at 7:25 p.m. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

***President Buettner was not present during the executive session.***

Councilor Tagnesi moved to re-convene into open session. *The motion was seconded by Councilor Clark 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-Mayor McInturff	Aye
Mayor Minor	Aye
John Tagnesi	Aye
Councilor Veach	Aye
Councilor Weber	Aye

Vice-President Willingham  
President Buettner

Aye  
Absent

**ADJOURNMENT**

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

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Kari J. Van Diest, CMC  
Deputy Clerk of the Common Council