

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
May 28, 2013
City Council Chambers – Rouss City Hall**

PRESENT: Councilor Jeff Buettner and John Tagnesi; Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (6)
ABSENT: Councilor Evan Clark, John Hill and Ben Weber (3)

1.0 Call to Order – President Willingham called the meeting to order at 5:31 p.m.

2.0 Executive Session

2.1 MOTION TO CONVENE IN AN EXECUTIVE SESSION PURSUANT TO SECTION 2.2-3711(A)(1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF CONDUCTING INTERVIEWS AND DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE EMPLOYMENT, ASSIGNMENT, AND APPOINTMENT OF CANDIDATES FOR COUNCIL APPOINTED BOARDS AND COMMISSIONS, AND FOR THE PURPOSE OF DISCUSSION OF THE SUBJECT MATTER OF PERFORMANCE AND EVALUATION OF SPECIFIC PUBLIC OFFICERS, APPOINTEES, OR EMPLOYEES OF THE GOVERNING BODY WHERE SUCH EVALUATION WILL NECESSARILY INVOLVE THE PERFORMANCE OF SPECIFIC INDIVIDUALS.

Councilor Buettner moved to convene into executive session at 5:31 p.m. *The motion was seconded by Vice-Mayor Veach then approved 6/o.*

Councilors Clark, Hill, and Weber arrived during the Executive Session.

Vice-President McInturff moved to reconvene in open session at 7:15 p.m. *The motion was seconded by Vice-Mayor Veach 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:

<u>MEMBER</u>	<u>VOTE</u>
Councilor Buettner	Aye

Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Vice-Mayor Veach	Aye
Councilor Weber	Aye
President Willingham	Aye

Mayor Minor stated she knows she speaks for all of Council when she says how very sadden we are at the loss of our City Treasurer and friend to all of us, Mark Garber. We would like to send to Debbie and the family our condolences and sympathy. We will hold you in our hearts as well as in our prayers.

President Willingham asked for everyone to stand for a moment of silence for Mr. Garber.

3.0 Public Comments: (Each person will be allowed 3 minutes to address Council with a maximum of 10 minutes allowed for everyone.)

Gail Engel of KKE Properties stated she was available to answer any questions Council may have on her CUP request. She also stated she will not be able to attend the June 11th Council meeting but will try to have a representative there for her.

No further citizens came forward to address Council and the President declared the public comment period closed at 7:18 p.m.

President Willingham asked for a motion to add an executive session to the agenda for the purpose of consultation with legal counsel. *A motion made by Councilor Weber, seconded by Vice-Mayor Veach, was unanimously approved by voice-vote.*

4.0 Items for Discussion:

4.1 CU-13-211: Conditional Use Permit – Request of KKE Properties LLC for a conditional use permit for conversion of ground floor nonresidential use to residential use at 24 Wolfe Street, Unit 6 and 26 Wolfe Street, Unit A (*Map Number 193-01-C-8*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay.

Planning Director Tim Youmans presented the request to convert two properties from non-residential use to residential. He stated one of the properties was previously approved for a 2 year term that the applicant is requesting is made permanent. The other property sits on the back side of the building. The Planning Commission recommended approving both requests for conversion.

Councilor Buettner stated he disagrees that Wolfe Street is not a major commercial corridor and feels it should be used as commercial. He would support the back property.

Councilor Weber moved to forward CU-13-211 to Council. The motion was seconded by Councilor Tagnesi.

President Willingham asked City Attorney Anthony Williams if the properties could be separated. Mr. Williams stated it has to be done how it is presented.

Mr. Youmans stated staff could draft an in between version to treat them separated but Council would want to give a statement as why one is desirable and one is not. Mr. Williams stated if the properties are divided up, it should be sent back to the Planning Commission for review.

Councilor Weber stated it would create an island that a business owner will not want to be in.

The motion to forward CU-13-211 to Council passed 6/3 with President Willingham, Vice-Mayor Veach, and Councilor Buettner voting in the negative.

- 4.2 CU-13-176:** Conditional Use Permit – Request of Charles Salamone on behalf of AT&T Mobility for a conditional use permit to upgrade existing telecommunications facilities with additional antennas and equipment at 103 East Piccadilly Street (*Map Number 173-01-P-6*) zoned Central Business (B-1)

Planning Director Tim Youmans presented the proposal to add three cellular antennas on top of the George Washington Hotel. He stated the Planning Commission recommended approval and the BAR has granted a Certificate of Appropriateness because the antennas are less imposing than a separate structure.

Councilor Clark moved to forward CU-13-176 to Council. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

- 4.3 R-2013-29:** Resolution – Approval to apply for CLG grant funding through the Virginia Department of Historic Resources for the purposes of amending and expanding the Nationally-Designated Winchester Historic District and amending the period of significance

Planning Director Tim Youmans presented the request to apply for grant funds from the Virginia Department of Historic Resources. He stated this would be a follow up on the survey recently performed in the Winchester Historic District. The funds will be used to survey the properties in the National Historic District in Winchester making the properties eligible for state and federal funding. A local match is required but will be split between the city and Preservation for Historic Winchester.

Vice-Mayor Veach moved to forward R-2013-29 to Council. *The motion was seconded by Mayor Minor then approved 8/0/1 with President Willingham abstaining.*

5.0 Liaison Reports

No reports were presented

MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) IF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL COUNSEL REGARDING SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION.

Vice-President McInturff moved to convene into executive session at 7:41 p.m. *The motion was seconded by Councilor Weber then unanimously approved by voice-vote.*

Vice-Mayor Veach moved to reconvene in open session at 8:07 p.m. *The motion was seconded by Councilor Weber 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:

<u>MEMBER</u>	<u>VOTE</u>
Councilor Buettner	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Vice-Mayor Veach	Aye
Councilor Weber	Aye
President Willingham	Aye

President Willingham asked for a motion to add an ordinance to declare the property at 414 S. Braddock Street to be a nuisance and appropriate funds and authorize the city to abate the nuisance and make emergency repairs to the unsafe structure to tonight's agenda. The motion made by Vice-Mayor Veach, seconded by Councilor Weber, was unanimously approved by voice-vote.

AN ORDINANCE TO DECARE THE PROPERTY AT 414 S. BRADDOCK STREET TO BE A NUISANCE; AND APPROPRIATE FUNDS AND AUTHORIZE THE CITY TO ABATE THE NUISANCE AND MAKE EMERGENCY REPAIRS TO THE UNSAFE STRUCTURE

Councilor Weber moved to forward the ordinance to Council. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

6.0 Adjournment

Councilor Buettner moved to adjourn the meeting at 8:08 p.m. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*