

**MINUTES OF THE COMMON COUNCIL  
WORK SESSION  
June 18, 2013  
City Council Chambers – Rouss City Hall**

**PRESENT:** Councilor Jeff Buettner, Evan Clark, John Tagnesi and Ben Weber; Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (8)

**ABSENT:** Councilor John Hill (1)

President Willingham called the meeting to order at 6:11 p.m.

**1.0 Public Comments**

Kathleen Erickson-Nord of 9 West Jubal Early Drive stated she would like to address signs and their significance and necessity for some businesses. When a business plans their marketing program, they do so with the thought in mind to get a financial return for their efforts and money. Signs are needed to reach out to the market place for the target market about what goods and services you have to offer. Signs give exposure in ways that otherwise go unnoticed by the impulsive buyer. A business like hers is totally unique. There is only one Above and Beyond Holistic Services in Winchester and in the whole state of Virginia. Her signs give information to the unsuspecting or curious buyers who need to see them in order to come into her business. She has items such as gluten free snacks but how would they know if she did not have a sign outside. She has Joyful Gel for inflamed muscles and joints that can only be bought there. She has all kinds of information on health and well being and the list is huge. There are remedies for depression and anxiety. Without signs, the shopping public would drive by or walk by without knowing what she could do for them. In the past two years, as a result of her services and products, she got 16 people off of drugs and saved three lives that she knows of. If her signs were not visible, they may not have stopped in. Beauty is a subjective judgment. She wants beautiful streets, flowers and trees also. She does not think we need to sacrifice businesses for beauty and vice versa. Let's do both. As Council gets into the work session that specifically addresses signs and regulations, she asked that she be able to lend a hand. She could be the voice of judgment for the merchants and Council can be the voice for city improvements. This can be a win-win situation. She asked to be allowed to keep her present signs up until Council finishes the discussion on regulations for old and new signs and finalize what she can do to prevent losing her walk in business traffic which is approximately 35-40% of her present monthly income.

**2.0 Items for Discussion:**

**2.1 O-2013-19: Real Estate Tax Relief for Low Income Elderly and Disabled**

Commissioner of the Revenue Ann Burkholder presented options to change the qualifications for the Real Estate Tax Relief for the Low Income Elderly and Disabled program. A comparison between Winchester and other cities in the valley was presented. However, a comparison with counties was not made because of the disparity between the medium incomes and individual lot sizes.

Councilor Weber moved to forward option 2 to Council. The motion was seconded by Councilor Clark.

Councilor Clark stated he would like to see the annual income up to \$40,000 and a hybrid of options 2 and 3 brought back in another work session with another step added.

Councilor Weber withdrew his motion to see more options at a future work session.

**2.2 R-2013-30: Resolution – Adoption of the Charitable Funding Requests Consideration Policy**

Assistant City Manager Doug Hewett presented the proposed policy for the Outside Agency Funding Requests.

***Councilor John Hill arrived at the meeting at 6:37 p.m.***

Mr. Hewett stated the policy would only be for non-profit agencies. Each agency must compliment the City's strategic plan, have no conflict with the city, and enter into a MOU. The funding request can be for up to 5 years and must be for operating expenses. During the budget work sessions, Council decided to fund the same agencies in FY13 the same amount in FY14 and then step down the funding in future years.

Mayor Minor stated she does not think some of the core agencies could exist without funding from the city. It may make some of these non-existent. Mr. Hewett stated the 25% step down is not in the resolution for consideration tonight because that is something Council could decide during the budget process.

Councilor Buettner stated this is not the first look at this but nothing has worked well. Out of the \$80 million budget, this is \$100,000. That is less than a quarter of a percent of the budget but it occupies 98% of Council's time. When taking the money away, Council needs to look at what the cost will be to DSS or the courts system. It is absolutely fair to

evaluate the agencies to see they are doing the things they said they will do.

Councilor Hill stated the city needs to support these agencies and asked what the definition of “be in good standing” is in item 11. Mr. Hewett stated the agencies will have clean audits, no lawsuits, and be in compliance with the agreement.

President Willingham stated his concern that without these agencies the city will be taking on more burden and asked why the city would want that if it is getting regular and consistent reports. He would also like to see how to get these agencies more engaged in the schools. He does not like the time frame and the seed money.

Mayor Minor moved to bring R-2013-30 back next week for discussion.

City Manager Dale Iman stated it would be difficult to bring back next week with the agenda turnaround time and offered to bring it back at the first work session in July.

Mayor Minor withdrew her motion.

**2.4 O-2013-20: AN ORDINANCE TO AMEND AND RE-ENACT SECTION 26-33 OF THE WINCHESTER CITY CODE PERTAINING TO SPECIAL PROVISIONS RELATING TO LOUDOUN STREET MALL**

Old Town Manager Jennifer Bell presented the ordinance to eliminate vehicular deliveries on the pedestrian mall. She stated she completed a survey of the businesses and was surprised not to have more strong feelings about vehicular deliveries on the mall. The OTDB reviewed the item and would like to keep the deliveries prohibited except for a special permit process from the Old Town Manager. She did hear comments from businesses regarding difficulties with the loading zones. She stated staff supports the prohibition of vehicular deliveries for increased safety and to reduce wear and tear on the mall. The recommendation is to eliminate regular commercial pickup and delivery on the mall.

Councilor Weber stated he would like to see a 15 minute limit for the loading zones except with a permit.

Councilor Buettner stated Charlottesville has more cross streets so he didn't know how fair of a comparison it is since Winchester has one. When he first heard the proposal, it made sense but he has more consternation about it since talking with people and merchants. He would like to see a compromise to keep the morning deliveries. He asked for the following questions be answered. What is the average distance and longest distance from the businesses without a back door? Has staff

discussed the proposal with the delivery drivers to see how this impacts them? Are the current loading zones in the proper place for this change? How will permits be processed when the Old Town Manager is not in the office and something comes up unexpectedly? He stated he would hate to create an imposition on small businesses.

Councilor Veach stated the city wants businesses on the mall and asked if this is handicapping them.

Vice-President McInturff asked the following questions. How will this impact handicapped individuals going to church every Sunday? Will there be any data or issuance of guidelines for the permits given to the business owners? Does the bathroom close?

Councilor Clark stated he would support a lower weight of vehicle and morning delivery hours.

President Willingham asked for O-2013-20 to be discussed again at the next work session.

Councilor Buettner stated he would like to hear from the businesses at the meeting. President Willingham directed staff to invite the businesses to speak during the public comment period.

Councilor Buettner stated he was hoping this body would support a Council initiated amendment to change the ordinance on blasting insurance. He understands localities have a \$5 million limit with the exception of cemeteries that have a \$2 million limit.

City Manager Dale Iman stated he met with the superintendent of Mt. Hebron Cemetery regarding this issue. Copies of the letter have been sent to staff who will be bringing this forward.

### **3.0 Liaison Reports**

Councilor Weber announced the Library is hoping to make an offer to the new director next week.

### **4.0 Executive Session**

- 4.1 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 FOR RECEIVING 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)(28) FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF THE SUBJECT MATTER OF RECORDS EXCLUDED FROM OPEN MEETING REQUIREMENTS PURSUANT TO SUBDIVISION 11 OF §2.2-3705.6 OF THE CODE OF VIRGINIA AND ISSUED IN ACCORDANCE WITH §56-575.6 OF THE CODE OF VIRGINIA TO THE CITY OF WINCHESTER AS AN AFFECTED LOCAL JURISDICTION AS THOSE TERMS ARE DEFINED IN §56-575.1 OF THE CODE OF VIRGINIA AND PURSUANT TO §2.2-3711(A)(1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF THE EMPLOYMENT, ASSIGNMENT, APPOINTMENT, AND PERFORMANCE OF SPECIFIC PUBLIC OFFICERS, APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER.

Mayor Minor moved to convene into executive session at 8:08 p.m. *The motion was seconded by Councilor Buettner then unanimously approved by voice-vote.*

Vice-President McInturff moved to reconvene in open session at 9:15 p.m. *The motion was seconded by Councilor Buettner 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:*

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
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

## **5.0 Monthly Reports**

**5.1** Fire Department

**5.2** Police Department

## **6.0 Adjourn**

Councilor Clark moved to adjourn the meeting at 9:15 p.m. *The motion was seconded by Vice-President McInturff then unanimously approved by voice-vote.*