

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
April 22, 2014
Exhibit Hall – Rouss City Hall**

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

ABSENT: None (0)

President Willingham called the meeting to order at 6:00 p.m.

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

Eric Beatley of 907 Crestview Terrace spoke against the proposed the meals tax increase. He stated most of the brands he deals with will only allow a 2% increase. The restaurant industry has had to deal with very close price sensitivities with the economy since 2007, the Affordable Care Act, and increases in wages. He asked that council take the restaurant owners into consideration.

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public comments at 6:03 p.m.

3.0 Items for Discussion:

3.1 Presentation: Historic Old Town Winchester Branding Campaign

Downtown Manager Jennifer Bell introduced Laurie Bridgeforth, Chair of the Old Town Development Board, who stated the board voted unanimously to forward the branding campaign to Council.

Ben Muldrow of Arnett Muldrow presented the branding and marketing campaign designed for Old Town. He stated the color palette was taken from the current logo and the way finding signs in the community. The campaign has been designed to make the primary and secondary districts into one area.

3.2 Presentation: Update on Comprehensive Radio Communications Project and consideration of R-2014-20 to endorse and authorize the funding for the Comprehensive Radio Communications Project

Emergency Management Coordinator Lynn Miller presented a proposal for a two site system that meets the 95/95 performance standard and uses some new and existing facilities. He stated one tower will be on the Timbrook Public

Safety Center and the second site will be on the water tank on Jefferson Street. A structural analysis still needs to be completed to see if the tank will hold the new antenna without compromising the structural integrity of the tank. If it will not hold the antennas, a 170 foot tower will need to be constructed. The City currently has a FCC waiver until January 1, 2015 but the project time line for completion will be October 2015. Staff will need to apply for an extension on the waiver. The FCC will allow the 800 MHz build out to be extended until October 2015. City Council originally approved a \$3 million budget for one tower. The two tower proposal will be \$5.5 million.

Councilor Tagnesi asked where the extra \$2 million will come from. Mr. Iman stated staff will shift some of the bond money from other projects to fund it.

Vice-President McInturff moved to forward R-2014-20 to the special meeting following the work session. *The motion was seconded by Councilor Tagnesi then unanimously approved 8/0.*

3.3 O-2014-12: 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, 2014

Finance Director Mary Blowe presented the last supplemental appropriation for 2014. She stated the largest item is for the School Board but it also includes a couple of grants for the communications center and the fire department and the Airport's capital project.

Vice-President McInturff moved to forward O-2014-12 to Council. *The motion was seconded by Councilor Hill then unanimously approved 8/0.*

3.4 FY15 Proposed Budget

Ms. Blowe stated there are no changes from the options presented last week. As requested at the last meeting, she reviewed the 5 year CIP, the outside agency requests, and the debt capacity.

President Willingham stated he would entertain a motion to amend the agenda to add the following:

O-2014-16: AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 14-17 AND 14-18 OF THE CODE OF THE CITY OF WINCHESTER REGARDING VEHICLE LICENSE FEES

O-2014-17: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-72 OF THE CODE OF THE CITY OF WINCHESTER REGARDING MEALS TAX LEVY AND RATE

O-2014-18: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-91 OF THE CODE OF THE CITY OF WINCHESTER REGARDING TRANSIENT LODGING TAX LEVY AND RATE

O-2014-19: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-171 OF THE CODE OF THE CITY OF WINCHESTER REGARDING LEVY OF CIGARETTE TAXES

The motion to amend the agenda was made by Vice-Mayor Veach, seconded by Councilor Tagnesi, then unanimously approved 8/o.

Vice-Mayor Veach stated he feels the city is throwing \$20,000 away on legal counsel for the CEMS review when it can be done in house. He is in favor of this budget to support the schools.

Councilor Tagnesi stated he would like to see the meals tax phased in by 1/2 % in the first 6 months and the other 1/2 six months later. Councilor Buettner stated he understands wanting to phase it in but a lot of restaurants have to pay to have their registers updated and that would double their costs.

Vice-Mayor Veach moved to adopt the budget as presented with the removal of the \$20,000 for legal counsel. The motion was seconded by Councilor Buettner.

O-2014-16: AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 14-17 AND 14-18 OF THE CODE OF THE CITY OF WINCHESTER REGARDING VEHICLE LICENSE FEES

Vice-Mayor Veach moved to forward O-2014-16, O-2014-18, and O-2014-19 to Council. *The motion was seconded by Councilor Clark then unanimously approved 8/o.*

O-2014-17: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-72 OF THE CODE OF THE CITY OF WINCHESTER REGARDING MEALS TAX LEVY AND RATE

Vice-Mayor Veach moved to forward O-2014-17 to Council based on Council's option of 1%. The motion was seconded by Councilor Clark.

President Willingham stated he will vote against this. He would be in full support of a 1/2 % increase but he is concerned about the VRS changes and finding a funding mechanism for next year.

Councilor Buettner stated he feels the city needs to make an investment in education. He does not see 1% enough for people to care about. He stated the benefits outweigh the increase.

Mayor Minor stated she will vote against it. She does not feel it is the right thing to do for the restaurants.

The motion passed 5/3 with Mayor Minor, President Willingham and Councilor Hill voting in the negative.

Vice-Mayor Veach's motion to adopt the budget was approved 8/o.

O-2014-18: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-91 OF THE CODE OF THE CITY OF WINCHESTER REGARDING TRANSIENT LODGING TAX LEVY AND RATE

See action taken previously.

O-2014-19: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-171 OF THE CODE OF THE CITY OF WINCHESTER REGARDING LEVY OF CIGARETTE TAXES

See action taken previously.

3.5 O-2014-15: AN ORDINANCE TO APPROVE THE APPLICATION OF THE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS OF WINCHESTER, FREDERICK AND CLARKE COUNTIES FOR TAX EXEMPT STATUS BY DESIGNATION PURSUANT TO CHAPTER 27 DIVISION 5 OF CODE OF THE CITY OF WINCHESTER

Commissioner of the Revenue Ann Burkholder presented the application for tax exemption from the Society for the Prevention of Cruelty to Animals. She stated the SPCA owns property at 115 Featherbed Lane that has been exempt since 2004. They purchased the adjoining property in 2013. Part of the new property is leased to another entity and that portion would not be tax exempt.

Vice-President McInturff moved to forward O-2014-15 to Council. *The motion was seconded by Mayor Minor then unanimously approved 8/o.*

3.6 CU-14-143: Conditional Use Permit – Request of Ryan Hoover dba Vintage Bavarian LLC for a conditional use permit for auto service use at 24-26 West Hart Street (*Map Number 212-01-M-2*) zoned Central Business (B-1) District.

Planning Director Tim Youmans presented the request for a by-right auto service use at 24-26 West Hart Street. He stated there would be no overhead doors facing out to Hart Street. The applicant would like to begin with weekend hours with the ability to expand into the weekdays. The hours would be from 7 a.m. to 10 p.m. similar to the existing operation next door.

Vice-President McInturff moved to forward CU-14-143 to Council. *The motion was seconded by Councilor Tagnesi then unanimously approved 8/o.*

3.7 O-2014-14: AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 6, 7, 8, 9, 10, 13, 15.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS, PERMITTED USES, AND USES REQUIRING A CONDITIONAL USE PERMIT FOR ALTERNATIVE FINANCIAL INSTITUTIONS **TA-14-118**

Director of Zoning and Inspections Aaron Grisdale presented the ordinance to amend City Code to match the Code of Virginia and meet Council's intentions regarding alternative financial institutions.

Vice-President McInturff moved to forward O-2014-14 to Council. *The motion was seconded by Councilor Tagnesi then unanimously approved 8/o.*

3.8 O-2014-13: AN ORDINANCE TO AMEND ARTICLES 1 AND 13 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO THE DEFINITION OF MEDICAL CARE FACILITY AND PERMITTED USES IN THE PLANNED COMMERCIAL (PC) DISTRICT **TA-14-120**

Mr. Grisdale presented the privately sponsored text amendment to allow non-emergency out-patient surgery uses in the (PC) Planned Commercial District.

Councilor Tagnesi moved to forward O-2014-13 to Council. *The motion was seconded by Vice-Mayor Veach then unanimously approved 8/o.*

3.9 R-2014-18: Resolution – Approval of the Annual Action Plan for the use of CDBG and HOME Allocation for FY15

Tyler Schenck, Grants Coordinator and Project Specialist, presented the Annual Action Plan for the allocation of the CDBG funds. He stated 90% of the funds are going toward the Section 108 loan and 10% goes to the administration costs.

Vice-Mayor Veach moved to forward R-2014-18 to Council. *The motion was seconded by Mayor Minor then unanimously approved 8/o.*

3.10 R-2014-19: Resolution – Approval of an amendment to the 2013-2017 Consolidated Plan

Mr. Schenck presented the proposal to amend the funding allocation of the 2013-2017 Consolidated Plan to reflect the administrative costs.

Vice-President McInturff moved for forward R-2014-19 to Council. *The motion was seconded by Mayor Minor then unanimously approved 8/o.*

4.0 Liaison Reports

No reports were given.

5.0 Executive Session

5.1 MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 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 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 INCLUDING THE APPOINTMENT OF OR PROSPECTIVE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS AND PURSUANT TO §2.2-3711(A)(3) AND (6) FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF THE SUBJECT OF THE ACQUISITION OF AN INTEREST IN REAL PROPERTY AND FOR THE PURPOSE OF DISCUSSION OF THE SUBJECT OF INVESTMENT OF PUBLIC FUNDS WHERE BARGAINING IS INVOLVED, AND WHERE IF MADE PUBLIC, THE BARGAINING POSITION OR FINANCIAL INTEREST OF THE CITY WOULD BE ADVERSELY AFFECTED AND PURSUANT TO §2.2-3711(a) (29) FOR THE PURPOSE OF DISCUSSION OF THE AWARD OF A PUBLIC CONTRACT INVOLVING THE EXPENDITURE OF PUBLIC FUNDS, INCLUDING INTERVIEWS OF BIDDERS OR OFFERORS, AND DISCUSSION OF THE TERMS AND SCOPE OF SUCH CONTRACT, WHERE DISCUSSION IN AN OPEN SESSION WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR NEGOTIATING STRATEGY OF THE CITY AND PURSUANT TO §2.2-3711(A)(40) FOR THE PURPOSE OF DISCUSSION OF RECORDS EXCLUDED FROM CHAPTER 37 OF TITLE 2.2 OF THE CODE OF VIRGINIA PURSUANT TO SUBDIVISION 3 OF § 2.2-3705.6

Vice-President McInturff moved to convene into executive session at 7:20 p.m. *The motion was seconded by Mayor Minor then unanimously approved 8/o.*

Vice-President McInturff moved to reconvene in open session at 7:54 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously approved 8/o.*

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
President Willingham	Aye

6.0 Monthly Reports

6.1 Finance Department

7.0 Adjournment

Councilor Buettner moved to adjourn the meeting at 7:55 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously approved 8/0.*